

**ORDINANCE 19-11**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“ADMINISTRATION AND PERSONNEL”**

**Re: Amending Chapter 2.21 Entitled “Department of Law” to Prohibit Discrimination and  
Harassment of Any Person Doing Sanctioned Work for the City**

WHEREAS, federal, state and local law all have protections for employees from discrimination and harassment in the workplace; and

WHEREAS, current law often does not provide comparable protection to independent contractors; and

WHEREAS, a growing number of people work as independent contractors as part of the gig economy; and

WHEREAS, the City of Bloomington believes that all workers should be free to contribute their skills and talents to the economy without being subjected to discrimination or harassment; and

WHEREAS, the Bloomington Human Rights Commission and staff recommend certain changes to Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel;”

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, THAT:

SECTION 1. Section 2.21.020, entitled “Public policy and purpose” shall be amended by adding the following language to the end of the section:

It is also the public policy of the City of Bloomington to prohibit discrimination against or harassment of individuals, including employees, independent contractors, volunteers, interns, and any others doing sanctioned work for the City. Any such individual who believes she, he, or they have been discriminated against or harassed by a City employee has a right to bring a complaint to the attention of City officials, who will investigate the complaint promptly and take appropriate action. All contracts with the City shall include a clause explaining this right.

SECTION 2. Section 2.21.070, entitled “Powers and duties” shall be amended by adding the following language after the current second paragraph of the portion of 2.21.70 captioned “Affirmative Action by City Contractors.”

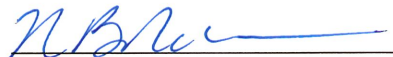
Each such contractor shall also submit to the Human Rights Commission its policy prohibiting harassment in the workplace. The policy must include a definition of harassment, the name or title of the individual(s) designated to receive and investigate complaints and a statement that the contractor will not retaliate against an employee for complaining about harassment.


SECTION 3. If any section, sentence or provision of this ordinance, or application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication, and, as necessary, other promulgation in accordance with the law.


PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana upon the 12 day of June, 2019.

Attest:

  
NICOLE BOLDEN, Clerk  
City Of Bloomington

  
DAVE ROLLO, President  
Bloomington Common Council

SIGNED and APPROVED by me upon this 17<sup>th</sup> day of June, 2019.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Title 2, "Administration and Personnel," of the Bloomington Municipal Code at the request of the Bloomington Human Rights Commission and staff. It provides that anyone doing sanctioned work for the City of Bloomington who feels she, he, or they have been discriminated against or harassed by a City employee has the right to bring that concern to the appropriate City official, who will investigate the concern promptly and take appropriate action. It also requires contractors covered by the City's affirmative action requirements to implement a harassment policy for their employees.

These changes will help ensure that anyone doing work for the City will have at least one avenue of redress, should she, he, or they encounter possible discrimination or harassment at work.

*Note: This ordinance was amended by Am01 which replaced the words "she or he" with the words "she, he, or they" in Section 1 of the ordinance and in the synopsis to provide for a non-binary pronoun.*