

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO INCLUDE NONDISCRIMINATION BASED UPON SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION.

WHEREAS, the Memphis City Council recognizes the extraordinary diversity of our city is one of its greatest social, cultural, and economic strengths; and

WHEREAS, Chapter 9 of the City of Memphis Code of Ordinances exists to specifically guarantee that only merit factors shall be considered in evaluating a city government employee's performance, and to ensure and protect the rights of all city government employees to a safe, fair, and respectful workplace; and

WHEREAS, it is important to ensure that the employees of Memphis city government are not unfairly treated on the basis of their sexual orientation, gender identity, or gender expression; and

WHEREAS, the term sexual orientation shall mean a person's real or perceived heterosexuality, bisexuality, or homosexuality and terms "gender identity" or "gender expression" are defined as a person's gender-related self identity, appearance, expression or behavior, regardless of the person's assigned sex at birth; and

WHEREAS, it is the intent of the Memphis City Council to strengthen their existing nondiscrimination policies and practices in accordance with State and Federal law as well as dress code and grooming requirements imposed by the City; and

WHEREAS, notwithstanding the definition for "gender identity" or "gender expression", the city may establish reasonable dress and appearance workplace policies, provided that an employee is allowed to appear and dress consistently with the employee's gender identity, and provided that such policies are not precluded by local, state or federal law; and

WHEREAS, it is not the intent of the Memphis City Council to create any additional protected classes through the adoption of this ordinance or to have this ordinance interpreted by any commission, court, or other body as elevating one group into a protected class; and

WHEREAS, it is not the intent of the Memphis City Council to interfere with or in any way affect the hiring or personnel policies of its vendors or partners through the adoption of this ordinance.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 9, Section 9-5 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 9-5. No discrimination in city employment.

There shall be no discrimination in the city employment of personnel because of religion, race, sex, creed, political affiliation, national origin, ethnicity, age, disability, sexual orientation, gender identity, gender expression or other non-merit factors, not shall there be any discrimination in the promotion or demotion of city employees because of religion, race, sex, creed, political affiliation, national origin, ethnicity, age, disability, sexual orientation, gender identity, gender expression or other non-merit factors.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remained of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:

Patrice Thomas, Comptroller