SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 32 (2024)
RELATING TO NONDISCRIMINATION POLICY.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 2 of the bill:

1. Amends SECTION 2 by limiting the amendments to ROH Section 1-11.1 instead of the entire ROH Article;

2. Amends the definition of "Discriminatory Practices";

3. Replaces the proposed definition for "Discriminatory Practices in Employment" with a new definition for "Discriminatory Practices in City Employment"; and

4. Amends the definition of "Discriminatory Practices in the Provision of City Programs and Services."

B. Adds a new SECTION 3 to the bill to amend ROH Section 1-11.2 by listing the types of activities from which the City is to refrain, including discriminatory practices in City employment and in the provision of City programs and services, as well as retaliating against applicants, employees, or individuals who seek to participate or participate in city programs or services or who oppose discrimination or participate in an investigation or proceeding that alleges discrimination. Renumbers subsequent SECTIONS.

C. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **32 (2024), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO NONDISCRIMINATION POLICY.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to make revisions to the City and County of Honolulu's nondiscrimination policy applicable to employment and the provision of services.

SECTION 2. Section 1-11.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 1-11.1 Definitions.**

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Discriminatory Practices. Practices that discriminate on the basis of [~~race, sex, sexual orientation, age, religion, color, ancestry, handicapped status, marital status, or arrest and court record.~~] a classification protected by any federal, State, or city law, including retaliation for opposing discrimination or participation in an investigation or proceeding that alleges discrimination.

Discriminatory Practices in City Employment. Discriminatory practices that discriminate against a city employee, or applicant for city employment, on the basis of a classification protected by any federal, State, or city law, including practices that discriminate on the basis of race, sex, sexual orientation, age, religion, color, ancestry, handicapped status, marital status, or arrest and court record. Further includes practices that discriminate on the basis of a classification protected by any federal or State law, including but not limited to laws that prohibit discrimination based on an individual's: citizenship; ethnicity; disability; credit history or credit report; domestic or sexual violence victim status; gender identity or expression; transgender status; genetic information or refusal to submit to a genetic test; income assignment for child support; military or veteran status; national guard or military reserve participation; national origin; politics; pregnancy status; limitations related to pregnancy, childbirth or related medical conditions; reproductive health decisions; or because the employee is breastfeeding or expressing breast milk at work.

A BILL FOR AN ORDINANCE

Discriminatory Practices in the Provision of City Programs and Services. Discriminatory practices that discriminate against a person accessing city programs and services or a person awarded, or being considered for the award of, a contract to provide services under a city program on the basis of a classification protected by any federal, State, or city law, including laws associated with the applicable city program or service.

Nonability-Based Criteria. Criteria that are not substantially related to the ability of an individual to [~~perform competently~~] competently perform the duties of a position."

SECTION 3. Section 1-11.2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 1-11.2 [~~City~~] Nondiscrimination in city employment practices[~~—Provision~~] and in the provision of city programs and services.**

The City and County of Honolulu shall refrain from:

(1) [~~discriminatory~~] Engaging in discriminatory practices in city employment, including any practice that discriminates on the basis of nonability-based criteria.

(2) [~~Further, the City and County of Honolulu shall refrain from discriminatory~~] Engaging in discriminatory practices in the provision of city programs and services.

(3) Retaliating against applicants, employees, or individuals who participate, or seek to participate, in city programs or services, or who oppose discrimination or participate in an investigation or proceeding that alleges discrimination."

SECTION 4. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

May 9, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:

Nondiscrimination Policy; Discriminatory Practices in Employment; Discriminatory Practices in City Programs and Services; Discriminatory Practices Relating to City Contracts; Retaliation; Department of Human Resources ("DHR")

Description:

Updates the City's policy prohibiting discrimination in the City's employment practices and the provision of City programs and services to align with current federal and State nondiscrimination statutes.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.