



CITY OF CONCORD

REPORT TO MAYOR AND THE CITY COUNCIL

FROM: Jennifer Johnston, Director of Human Resources and Labor Relations

DATE: July 9, 2018

SUBJECT: Amending the Code of Ordinances, Title V, Administrative Code; Chapter 34, Personnel Rules and Regulations, by amending Article 34-5, Recruitment, Section 34-5-4, Appointment.

Recommendation

It is requested and recommended that the City Council accept this report and set a public hearing date in September for the proposed ordinance to include gender identity and other protected characteristics as it pertains to unlawful discrimination and the recent RSA change in NH related to this protection.

Background

This year the New Hampshire State Legislature passed House Bill 1319 which prohibits discrimination in employment, in places of public accommodation, and in housing for those whose gender identity is different from that traditionally associated with the person's physiology or assigned sex at birth. The governor signed this into law and it became effective on July 8, 2018.

With respect to employment, RSA 354-A:8 now states that it shall be an unlawful discriminatory practice:

For an employer, because of the age, sex, *gender identity*, race, color, marital status, physical or mental disability, religious creed, or national origin of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bona fide occupational qualification. In addition, no person shall be denied the benefit of the rights afforded by this paragraph on account of that person's sexual orientation.

We are seeking to update our ordinance on employment discrimination to include the State of New Hampshire's requirements. The proposed ordinance also seeks to include sexual orientation, marital status, familial status and physical or mental disability because those categories are also specifically identified in RSA chapter 354-A, but are not currently listed in the City's ordinance. The City of Concord added gender identity as a protected characteristic to their internal employment policy in

2010, appreciating the diversity of its workforce. This report action stands as the final step in making Concord a welcoming employer for the LGBT population.

Discussion

The City of Concord is committed to being equitable and fair in providing equal access to opportunities for all. This amendment updates our ordinance to specifically reference all of the protected categories set forth in RSA chapter 354-A.

Respectfully Submitted,
Jennifer Johnston

cc: Thomas J. Aspell Jr., City Manager