

INTRODUCED: September 28, 2020

AN ORDINANCE No. 2020-220

To amend and reordain City Code §§ 2-927, concerning the general powers and duties of the Personnel Board, and 2-1264, concerning the creation of the personnel system, for the purpose of conforming the classes protected from discrimination under the City’s personnel system to Va. Code §§ 2.2-3904 and 2.2-3905.

\_\_\_\_\_  
Patron – Mayor Stoney

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: NOV 9 2020 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That sections 2-927 and 2-1264 of the Code of the City of Richmond (2015), as amended, be and are hereby **amended** and reordained as follows:

**Sec. 2-927. General powers and duties.**

The Personnel Board shall have the power and shall be required to:

(1) Serve as a hearing panel and hear appeals of grievances filed by any employee in the classified service pursuant to procedures established by the City in compliance with Code of Virginia, § 15.2-1507. The hearing decisions of the personnel board shall be in writing and shall

AYES:            8            NOES:            0            ABSTAIN: \_\_\_\_\_

ADOPTED:      NOV 9 2020      REJECTED: \_\_\_\_\_      STRICKEN: \_\_\_\_\_

contain findings of fact as to the material issues in each case and the basis for the Board's findings.

(2) Review and hold public hearings on any proposed personnel rules and forward to the City Council and the Mayor its comments and recommendations relating to any such proposed personnel rule.

(3) Investigate any or all matters relating to conditions of employment in the service of the City.

(4) Receive and investigate complaints regarding alleged discrimination based on race, color, pregnancy, childbirth, or related medical conditions, religion, national origin, sex, age, political affiliation, gender identity, marital status, sexual orientation, status as a veteran, and disability from individual employees relating to such individual's employment with the City. While all employees, regardless of classification or status, may file a complaint with the Personnel Board concerning alleged discrimination, this section is not intended to and does not create any additional rights, including grievance rights or property rights in employment, for unclassified or nontenured classified employees. The means and method of filing complaints shall be prescribed by the personnel rules, provided that, in addition to the complaint procedure established, tenured classified employees may also raise discrimination complaints using the grievance process established in the personnel rules. The Personnel Board, however, shall have final decision-making authority about how to review and investigate all complaints. The Board may utilize methods of persuasion, conciliation and mediation designed to promote adequate resolution of the dispute.

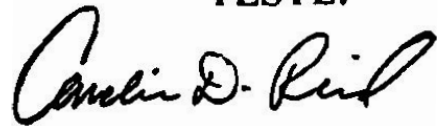
**Sec. 2-1264. Created.**

Pursuant to Code of Virginia, § 15.2-1131, the Council establishes a personnel system for the City's administrative officers and employees. Such personnel system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, gender identity, religion, sex, age, pregnancy, childbirth, or related medical conditions, disabilities, sexual orientation, status as a veteran, political affiliation or marital status. The personnel system shall consist of rules which provide for the general administration of personnel matters, classification plans for employees, uniform pay plans and a procedure for resolving grievances of employees as provided by general law for either local government or State government employees.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:**

**TESTE:**

A handwritten signature in black ink, appearing to read "Camille D. Reed". The signature is written in a cursive, flowing style.

**City Clerk**



# CITY OF RICHMOND

## INTRACITY CORRESPONDENCE

### O&R REQUEST

**DATE:** September 8, 2020 **EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor *[Signature]*

**THROUGH:** Lenora G. Reid, Interim Chief Administrative Officer *[Signature]*

**FROM:** Mona Adkins-Easley, Interim Director of Human Resources *[Signature]*

**RE:** Defining Discrimination in Sections 2.927 and Sec. 2-1264 of City Code

**ORD. OR RES. No.** \_\_\_\_\_

**PURPOSE:** To amend City Code sections 2-927– General Powers and duties (4)

Receive and investigate complaints regarding alleged discrimination based on race, color, pregnancy, child birth, or related medical conditions, religion, national origin, sex, age, political affiliation, gender identity, marital status, sexual orientation, status as a veteran, and disability from individual employees relating to such individual's employment with the City. While all employees, regardless of classification or status, may file a complaint with the Personnel Board concerning alleged discrimination, this section is not intended to and does not create any additional rights, including grievance rights or property rights in employment, for unclassified or non-tenured classified employees. The means and method of filing complaints shall be prescribed by the personnel rules, provided that, in addition to the complaint procedure established, tenured classified employees may also raise discrimination complaints using the grievance process established in the personnel rules. The Personnel Board, however, shall have final decision-making authority about how to review and investigate all complaints. The Board may utilize methods of persuasion, conciliation and mediation designed to promote adequate resolution of the dispute.

To amend City Code section 2.1264—Created

Pursuant to Code of Virginia, § 15.2-1131, the Council establishes a personnel system for the City's administrative officers and employees. Such personnel system shall be based on merit and professional ability and shall not discriminate on the basis of race, national origin, gender identity, religion, sex, age, pregnancy, child birth, or related medical conditions, disabilities, sexual orientation, status as a veteran, political affiliation or marital status. The personnel sys-

tem shall consist of rules which provide for the general administration of personnel matters, classification plans for employees, uniform pay plans and a procedure for resolving grievances of employees as provided by general law for either local government or State government employees.

**REASON:** To comply with State legislation.

**RECOMMENDATION:** The City's Administration supports this amendment.

**BACKGROUND:** The 2020 General Assembly passed and the Governor signed numerous bills effecting local government. The recommendations of this paper apply to those regarding City legislation in the area of human resource policies (See Attachment 1)

**FISCAL IMPACT / COST:** None at this time

**FISCAL IMPLICATIONS:** None at this time

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** N/A

**DESIRED EFFECTIVE DATE:** Upon Adoption

**REQUESTED INTRODUCTION DATE:** September 14, 2020

**CITY COUNCIL PUBLIC HEARING DATE:** September 28, 2020

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Government Operations September 24, 2020

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:**

**AFFECTED AGENCIES:** All

**RELATIONSHIP TO EXISTING ORD. OR RES.:** N/A

**REQUIRED CHANGES TO WORK PROGRAM(S):** N/A

**ATTACHMENTS:** 1

**STAFF:** Brenda Henderson, Fred Rosen, Human Resources 814-646-3250/5676

## **Attachment 1**

### **Completed Legislative Action**

Spectrum: Partisan Bill (Democrat 20-1)

Status: Passed on April 11 2020 - 100% progression

Action: 2020-04-11 - Governor: Acts of Assembly Chapter text (CHAP1140)

## **Virginia Senate Bill 868 Summary**

Prohibited discrimination; public accommodations, employment, credit, and housing: causes of action; sexual orientation and gender identity. Creates causes of action for unlawful discrimination in public accommodations and employment in the Virginia Human Rights Act. Currently, under the Act there is no cause of action for discrimination in public accommodations, and the only causes of action for discrimination in employment are for (i) unlawful discharge on the basis of race, color, religion, national origin, sex, pregnancy, or childbirth or related medical conditions including lactation by employers employing more than five but fewer than 15 persons and (ii) unlawful discharge on the basis of age by employers employing more than five but fewer than 20 persons. The bill allows the causes of action to be pursued privately by the aggrieved person or, in certain circumstances, by the Attorney General. Before a civil cause of action may be brought in a court of the Commonwealth, an aggrieved individual must file a complaint with the Division of Human Rights of the Department of Law, participate in an administrative process, and receive a notice of his right to commence a civil action. The bill prohibits discrimination in public and private employment on the basis of **sexual orientation** and **gender identity**. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Additionally, the bill (a) prohibits discrimination in public accommodations on the basis of sexual orientation, gender identity, or status as a veteran; (b) prohibits discrimination in credit on the basis of sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, disability, and status as a veteran; and (c) adds discrimination on the basis of an individual's sexual orientation, gender identity, or status as a veteran as an unlawful housing practice. The bill makes technical amendments.

# Virginia Senate Bill 66-Summary

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**Spectrum:** Partisan Bill (Democrat 3-0)

**Status:** Introduced on November 22 2019 - 25% progression

**Action:** 2020-01-29 - Incorporated by General Laws and Technology

## Summary

Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines "sexual orientation" and "gender identity."