



MEMORANDUM

LEGISLATIVE REFERENCE BUREAU

WWW.MILWAUKEE.GOV/LRB

To: Chez Ordoñez
From: Tea Norfolk, Legislative Fiscal Analyst – Lead
Date: August 5, 2020
Subject: Update on Reports, Legislation, and Policy Related to Protections

This memo is in response to your request for the following items:

1. A report of cities and the body charged with enforcing specific immigrant protections as a protected class, including examples of resolutions and ordinance language.
2. A report of cities and the body charged with enforcing specific protections for cultural hairstyles.
3. A compilation of all resolutions, ordinances, studies, reports, and activities relating to the monitoring, studying, and enforcing of all equity, equality, diversity and inclusion, and race relations throughout the City, including:
 - a. Author, date, and who is charged with executing tasks.
 - b. Whether the item has been completed, is active (with start and end dates), or is pending.

Immigrant Protections as a Protected Class

As a preliminary matter, Title VII of the Civil Rights Act of 1964, which denotes protected classes, makes national origin a protected class, and federal laws prohibit discrimination based on a person's national origin. Laws prohibiting national origin discrimination make it illegal to discriminate because of a person's birthplace, ancestry, culture, or language.

Cities with specific legislation are summarized below. Attached to this memo are sample ordinances from Albuquerque and Baltimore.

Albuquerque

The Human Rights Ordinance creates Human Rights Board, which consists of 7 members appointed by the Mayor with the consent of the City Council. The Board's

duties include receiving complaints alleging unlawful discrimination and advising the complainant of resources available for resolution of the complaint. Additionally, the Board may recommend legislation to aid in carrying out its purposes.

The Office of Civil Rights works to protect the community by prohibiting discrimination in areas of housing, public accommodation, and employment, providing a mechanism for recourse, and providing education to the community. An ADA Coordinator investigates discrimination complaints against the City regarding qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Office is guided by the following laws:

- The Civil Rights Act of 1964.
- The Fair Housing Act of 1968.
- The Age Discrimination in Employment Act of 1967.
- The American with Disabilities Act of 1990.
- The New Mexico Human Rights Act.
- The City of Albuquerque Human Rights Ordinance.

The Office of Immigrant and Refugee Affairs aims to improve the lives of all immigrants and resettled refugees who are living in Albuquerque. The Office was established in 2016, with support from the W.K. Kellogg Foundation, to coordinate efforts to better serve immigrant and refugee residents. The Office is responsible for ensuring compliance with the Immigrant Friendly City Resolution, which is also attached for your review.

Baltimore

The Baltimore City Community Relations Commission is an agency that investigates claims of discrimination and assists people who have been discriminated against by enforcing the laws that protect them. National origin is among the protected classes, and the areas in which discrimination is prohibited include employment, public accommodation, housing, education, and health and welfare services. The Commission accepts, investigates, and resolves complaints of alleged unlawful discrimination. It also develops and monitors formally negotiated conciliatory agreements when a violation is found.

The Baltimore Community Relations Commission of the Mayor and City Council of Baltimore consists of 10 members appointed by the Mayor and subject to approval by City Council. The Commission is responsible for eliminating discrimination in all areas of community life. Its duties include, but are not limited to:

1. Providing comprehensive educational programming.
2. Initiating studies related to civil rights and discriminatory practices.
3. Conducting annual surveys of the status of human rights in the City.
4. Investigating complaints.
5. Recommending legislation.
6. Issuing subpoenas and compelling testimony.
7. Cooperating, negotiating, and contracting on behalf of the City with respect to its subject matter.

Minneapolis

The Minneapolis Department of Civil Rights is charged with enforcing the following Minneapolis Code of Ordinances sections: Title 7 (non-discrimination); Title 9, Chapter 172 (police conduct oversight); Title 16, Chapter 423 (small and underutilized business programs; Title 2, Chapter 24 (prevailing wage); Title 2, Chapter 40 (sick and safe time and minimum wage). Additionally, the department shall promote understanding of civil rights among residents, businesses, and government. The department does the following:

1. Investigates discriminatory practices against members of protected classes.
2. Ensures that City procurement of construction and development services, commodities and supplies, and professional and technical services includes women, minorities, and low-income workers and businesses.
3. Investigates and makes recommendations regarding complaints brought against any Minneapolis Police Officer.

The Complaint Investigations Division investigates all complaints of discrimination which fall under the jurisdiction of the Minneapolis Civil Rights Ordinance. Division staff act as neutral investigators, gather information from all parties, and complete impartial investigations into cases of discrimination. National origin is among the protected classes. The areas in which discrimination are prohibited include:

- Business.
- Educational institutions.
- Employment.
- Employment agencies.
- Employment information and advertising.
- Labor organizations.
- Lending.
- Professional organizations.

- Property rights.
- Public accommodations.
- Public services.
- Real estate brokers and salespersons.
- Retaliation.

The Commission on Civil Rights implements the City's Civil Rights policies through public information and education as stated in the Code. The primary objective of the Commission is to promote and protect the civil rights of the people of Minneapolis.

Omaha

The Department of Human Rights and Relations oversees Human Rights and Relations Ordinances. The Civil Rights Division is responsible for enforcement of the Civil Rights: Anti-Discrimination Ordinance through the investigation of complaints of discrimination in the areas of employment, housing, and public accommodation. The staff completes complaint and investigations for the city and, through federal contracts, for the United States Equal Employment Opportunity Commission and the United States Department of Housing and Urban Development.

Pittsburgh

The Commission on Human Relations is a law enforcement agency which derives its authority from the City Fair Practices Provisions, which make it unlawful to discriminate, inter alia, national origin in the areas of employment, housing, and public accommodations. The Commission investigates complaints of alleged discrimination within the city. It also conducts community education and outreach programs for schools, community groups, businesses, professional organizations, and City departments in order to promote equal rights and opportunities for all who work in, live in, or visit the city. The Commission consists of 15 members.

San Francisco

The Human Rights Commission (HRC) consists of 11 members appointed by the Mayor. Its duties include investigating complaints of unlawful discrimination and ensuring the civil rights of all persons. Additionally, the HRC is charged with implementing the provisions of ordinances prohibiting discrimination in all contracts and agreements. All contracts and agreements are required to include non discrimination provisions. By ordinance, San Francisco is a City and County of Refuge for people based on

immigration status. Further, the Police Code prohibits discrimination based on national origin.

Seattle

The Seattle Office for Civil Rights enforces Seattle's civil rights laws, which include protections against discrimination in employment, public places, housing, and contracting. The office has jurisdiction within city limits. The department receives and investigates charges to determine whether reasonable cause exists to believe an unlawful practice has occurred or is occurring. If reasonable cause is found to exist, the department will attempt to obtain a remedy that will eliminate the unlawful practice and prevent its recurrence.

Enforcing Protections for Cultural Hairstyles

The CROWN Act, which stands for "Create a Respectful and Open World for Natural Hair," is a law that prohibits race-based hair discrimination, which is the denial of employment and educational opportunities because of hair texture or protective hairstyles including braids, locks, twists, or Bantu knots. The Act extends statutory protections based on race to hair texture and protective styles in state employment, housing, and education codes.

First introduced in California in January 2019 and signed into law on July 3, 2019, the inaugural CROWN Act expanded the definition of race in the Fair Employment and Housing Act (FEHA) and state Education Code to ensure protection in workplaces and in K-12 public and charter schools. Since then, the CROWN Act has gained support from federal and state legislators.

Currently, the following states and municipalities recognize the CROWN Act as law:

1. California

The governing board of a school district and the Department of Fair Employment and Housing are charged with enforcement.

2. Cincinnati, OH

The Complaint Officer and the City Manager are charged with enforcement.

3. Colorado

The State Board of Education is charged with enforcement.

4. Maryland
The Commission on Civil Rights is charged with enforcement.
5. Montgomery County, MD
The Department of Health and Human Services, Office of Human Rights, County Police Department, and law enforcement agencies are charged with enforcement.
6. New Jersey
The Commission on Civil Rights, the Director of the Division on Civil Rights, the State Board of Education, and the Commissioner of Education are charged with enforcement.
7. New York
The Division of Human Rights and the School Board are charged with enforcement.
8. New York City
The Commission on Human Rights is charged with enforcement.
9. Virginia
The Division of Human Rights is charged with enforcement.
10. Washington
The Washington State Human Rights Commission is charged with enforcement.

The following states have filed legislation, which has not yet been enacted:

1. Delaware
2. Georgia
3. Massachusetts
4. Michigan
5. Nebraska
6. Ohio
7. Pennsylvania
8. Rhode Island
9. Tennessee

The following states filed legislation that did not pass:

1. Alabama
2. Arizona
3. Connecticut
4. Florida
5. Illinois
6. Kansas
7. Kentucky
8. Louisiana
9. Minnesota
10. Missouri
11. Oregon
12. South Carolina
13. West Virginia
14. Wisconsin

Legislation Relating to Equity, Equality, Diversity and Inclusion, and Race Relations

Please see the attached document titled "Documents" for information regarding this type of legislation.

LRB 176251
Attachments