



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Substitute Agenda Item

File #: 2021-2145
File Status: Action

2/9/2021

Public Hearing: YES NO

Department: Board of Commissioners - District 2

SUBJECT:

Commission District(s): All Districts

An Ordinance to Amend the Code of DeKalb County, Georgia, as Revised 1988, to Expand Characteristics Protected by Law in DeKalb County and Protect those Characteristics Similarly and Equally throughout the Code of DeKalb County

Information Contact: Commissioner Jeff Rader

Phone Number: 404-371-2863

PURPOSE:

To approve the attached Ordinance to amend the code of DeKalb County to expand characteristics protected by law in DeKalb County and protect those characteristics similarly and equally throughout the code of DeKalb County.

NEED/IMPACT:

The Governing Authority of DeKalb County has adopted laws that prohibit discrimination on the basis of certain characteristics in the following DeKalb County code sections: "Vehicles for Hire," "Definitions of Protected Classes" and "Equal Opportunity Employment". Each code section that prohibits discriminatory conduct protects varying types of characteristics; a specific characteristic that is protected from discrimination in one section of the code may not be protected in another section of the code. It is the policy of the Governing Authority of DeKalb County not to discriminate either directly or indirectly against persons, based on any characteristics, including, race, color, religion, national origin, sex, pregnancy, age, disability, genetic information, familial status, political affiliation, political opinion, sexual orientation, domestic relationship status, parental status, gender identity, racial profiling nor marital status and the attached ordinance confirm this throughout the code.

FISCAL IMPACT:

No Fiscal Impact

RECOMMENDATION:

To approve the ordinance to amend the code of DeKalb County, Georgia, as revised 1988, to expand characteristics protected by law in DeKalb County and protect those characteristics similarly and equally throughout the code of DeKalb County.

AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA, AS REVISED 1988, TO EXPAND CHARACTERISTICS PROTECTED BY LAW IN DEKALB COUNTY AND PROTECT THOSE CHARACTERISTICS SIMILIARLY AND EQUALLY THROUGHOUT THE CODE OF DEKALB COUNTY

WHEREAS, DeKalb County is committed to providing an environment in which all individuals are treated with respect and dignity; and

WHEREAS, the Governing Authority of DeKalb County has adopted laws that prohibit discrimination on the basis of certain characteristics in the following DeKalb County code sections: “Vehicles for Hire,” “Definitions of Protected Classes” and “Equal Opportunity Employment”; and

WHEREAS, each code section that prohibits discriminatory conduct protects varying types of characteristics; a specific characteristic that is protected from discrimination in one section of the code may not be protected in another section of the code; and

WHEREAS, it is the policy of the Governing Authority of DeKalb County not to discriminate either directly or indirectly against persons, based on any characteristics, including, race, color, religion, national origin, sex, pregnancy, age, disability, genetic information, familial status, political affiliation, political opinion, sexual orientation, domestic relationship status, parental status, gender identity, racial profiling nor marital status; and

WHEREAS, the Governing Authority of DeKalb County is committed to protecting all characteristics equally and consistently throughout the Code of DeKalb County; and

NOW, THEREFORE, be it ordained by the Governing Authority of DeKalb County, Georgia, and it is hereby ordained by the authority of the same, the Code of DeKalb County, Georgia, as revised 1988, be amended as follows:

PART I: ENACTMENT

By amending Chapter 15, Article XI, Section 15-387(b)(2) of the Code of DeKalb County, as Revised 1988, to read as follows:

* * *

Sec. 15-387(b)(2): Suspension or Revocation of Permit

(b) Suspension for six (6) months. For reasons set forth below, a business license or a driver’s permit issued under this article may be suspended for six (6) months:

(2) Refusing to accept a passenger solely on the basis of race, color, religion, national origin, sex, pregnancy, age, disability, genetic information, familial status, political affiliation, political opinion, sexual orientation, domestic relationship status, parental status, gender identity, racial profiling nor marital status Operators shall not refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.

By amending Chapter 20, Article I, Section 20-1 of the Code of DeKalb County, as Revised 1988, to amend the definition of the following term, as follows:

* * *

Sec. 20-1: Definitions

Protected classes means minorities, females, handicapped, older workers, and other classes, that include race, color, religion, national origin, sex, pregnancy, age, disability, genetic information, familial status, political affiliation, political opinion, sexual orientation, domestic relationship status, parental status, gender identity, racial profiling and marital status, designated by federal or state law for special employment consideration.

By amending Chapter 20, Article I, Section 20-16 of the Code of DeKalb County, as Revised 1988, to read as follows:

* * *

Sec. 20-16(b): Equal Opportunity Employment

There shall be no discrimination against applicants or employees on the basis of race, color, religion, national origin, sex, pregnancy, age, disability, genetic information, familiar status, political affiliation, political opinion, sexual orientation, domestic relationship status, parental status, gender identity, racial profiling and marital status or other non-merit factors with regard to appointment, promotion, demotion, dismissal, discipline, training or any other aspect of personnel administration. This shall not prevent the application of a particular requirement factor that is a bona fide occupational qualification.

PART II: EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III: SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this the ____ day of _____, 2021.

STEPHEN R. BRADSHAW

Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2021.

MICHAEL L. THURMOND

Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC

Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

County Attorney
DeKalb County, Georgia