

ITEM FAILED

ORDINANCE NO. 4065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ADOPTING THE CITY'S EQUAL EMPLOYMENT POLICY AND POLICY AGAINST HARASSMENT AND DISCRIMINATION TO INCLUDE EXPRESS LANGUAGE OPTING OUT OF THE PALM BEACH COUNTY EQUAL EMPLOYMENT ORDINANCE; AFFIRMING THE CITY'S OPT-OUT FROM THE PROVISIONS OF THE PALM BEACH COUNTY EQUAL EMPLOYMENT ORDINANCE; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, at the April 1, 2015, City Council meeting, the Council approved Resolution No. 33-15, adopting an Equal Employment Opportunity Policy; and

WHEREAS, at the April 15, 2015, City Council meeting, the Council approved Resolution No. 39-15, adopting an Anti-Discrimination and Anti-Harassment Policy; and

WHEREAS, such policies provide City employees with protection from harassment, discrimination and retaliation on the basis of race, color, military status, religion, age, sex, pregnancy, national origin, citizenship, disability, marital status, genetic information, gender identity or expression, sexual orientation, or any other category protected by applicable law; and

WHEREAS, such policies provide City employees with a mechanism for reporting complaints internally while also allowing employees to seek redress through Federal and State administrative agencies and courts enforcing applicable Federal and State laws; and

WHEREAS, the City is committed to equal opportunity in employment and the prevention of harassment and discrimination in the workplace; and

WHEREAS, the Palm Beach County Equal Employment Ordinance applies to all employers in Palm Beach County with more than fifteen (15) employees, but does not apply to the United States government, an Indian Tribe, a bona fide private membership club which is exempt from taxation under Section 501(c) of Title 26 of the United States Code, or local governments, governmental agencies and political subdivisions in Palm Beach County who opt out of the definition of "employer"; and

WHEREAS, the City of Riviera Beach, through adoption of its own equal employment and anti-discrimination policies and regulations, intended to opt out from

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the definition of "employer" so as to be excluded from the Palm Beach County Equal Employment Ordinance; and

WHEREAS, the City of Riviera Beach hereby reaffirms its opt-out from the Palm Beach County Equal Employment Ordinance; and

WHEREAS, the City Council has determined that it is in the best interest of its employees and the City to regulate such employment practices internally or through the well-established judicial proceedings relating to applicable Federal and State laws relating to equal employment and prevention of discrimination and harassment in the workplace; and

WHEREAS, the City Council has determined that the enactment of this Ordinance is for a proper municipal purpose and protects the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. That Resolutions 33-15 and 39-15 of the City of Riviera Beach are hereby REPEALED and the City hereby adopts this ordinance to include the City's Equal Employment Opportunity Policy (Exhibit A) and its Anti-Discrimination and Anti-Harassment Policy (Exhibit B), with updated language relating to the City opting out of Palm Beach County Ordinance Number 95-31, codified at Sections 2-261 - 2-313 of the Palm Beach County Code of Ordinances; said policies to be amended from time to time by resolution (in the attached exhibits: underline means added; ~~stricken through~~ means deleted).

SECTION 3. The City, having established its equal employment opportunity regulations and opted out of the County's Equal Employment ordinance Number 95-31, codified at Sections 2-261 - 2-313 of the Palm Beach County Code of Ordinances, hereby affirms said opt-out as permitted by Section 2-263 of the County Ordinance; based thereon the City does not qualify as an employer under the Palm Beach County Equal Employment Ordinance and is not subject to the same, including its administrative hearing procedures.

SECTION 4. All sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, shall be and the same are hereby repealed to the extent of such conflict.

SECTION 5. If any word, phrase, clause, subsection or section of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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SECTION 6. This ordinance shall not be codified.

SECTION 7. This Ordinance shall be in full force and effect immediately upon its final passage and approval.

ITEM FAILED

~~PASSED AND APPROVED~~ on first reading this 1ST day of JULY, 2015.

~~PASSED AND ADOPTED~~ on second and final reading this day of , 2015.

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

MUNICIPAL SEAL

TERENCE D. DAVIS
CHAIR PRO TEM

ATTEST:

KaSHAMBA L. MILLER
COUNCILPERSON

CLAUDENE L. ANTHONY
CERTIFIED MUNICIPAL CLERK
CITY CLERK

BRUCE A. GUYTON
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

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1st READING

2nd & FINAL READING

MOTIONED BY: B. GUYTON

MOTIONED BY: _____

SECONDED BY: C. THOMAS

SECONDED BY: _____

D. PARDO NAY

D. PARDO _____

T. DAVIS NAY

T. DAVIS _____

K. MILLER NAY

K. MILLER _____

B. GUYTON NAY

B. GUYTON _____

C. THOMAS AYE

C. THOMAS _____

REVIEWED AS TO LEGAL SUFFICIENCY

PAMALA H. RYAN, B.C.S., CITY ATTORNEY

DATE: _____

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CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by the applicable Florida Statutes.

DATE

Claudene L. Anthony, Certified Municipal Clerk
City Clerk