

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **DISCRIMINATION AND HARRASSMENT**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 1-17-1 of the Code of Athens-Clarke County, Georgia, entitled “*Prohibited*,” is hereby deleted in its entirety and replaced with the following:

Sec. 1-17-1. - Prohibited.

- (a) It is a violation of this code section to discriminate against any employee of the Unified Government or any applicant for employment with the Unified Government in the terms or conditions of employment, the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s sex (including pregnancy), sexual orientation, gender identity, race, color, religion, disability, national origin, citizenship, military or veteran status, genetic information, age, or any other status or classification protected by applicable federal or state laws.
- (b) It is a violation of this code section to harass any employee of the Unified Government or any applicant for employment with the Unified Government on the basis of their sex (including pregnancy), sexual orientation, gender identity, race, color, religion, disability, national origin, citizenship, military or veteran status, genetic information, age, or any other status or classification protected by any applicable federal or state laws.
 - (1) For the purpose of this code section, harassment may take the form of verbal, physical, or visual conduct and is prohibited if (A) enduring the conduct is made either an explicit or implicit term or condition of employment, or (B) the conduct is severe or pervasive enough to create a work environment that a reasonable person would find intimidating, hostile, or abusive. Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and/or interference with work performance. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation under this section. To be a violation of this section, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.
 - (2) Sexual harassment is prohibited under this code section and is made unlawful by Title VII of the Civil Rights Act of 1964. Sexual harassment may include unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct of a sexual nature. Verbal sexual harassment may include offensive jokes, name-calling, or unwanted sexual advances. Physical sexual harassment may include unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, or forced sexual intercourse or

assault. Visual sexual harassment may include offensive objects or images, whether in print or on a screen of any type.

- (3) This code section is intended to prohibit the harassment of the Unified Government's employees by elected officials, appointed officials, constitutional officers, charter officers, supervisory or management personnel, or other employees.
- (c) For the purposes of this code section, the terms "sexual orientation" and "gender identity" shall have the following meanings:
- (1) "Sexual orientation" shall mean the condition of being heterosexual, bisexual, or homosexual, or the perception that an individual is heterosexual, bisexual, or homosexual, or the perception that an individual is associated with individuals who maintain such orientation; and
 - (2) "Gender identity" shall mean self-perception as male or female, and shall include a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex at birth, including transsexual, transvestite, and transgender, and including a person's attitudes, preferences, beliefs, and practices pertaining thereto, including, but not limited to, assumption of male or female identity by appearance or medical treatment.
- (d) No employee, applicant, or other covered person who, in good faith, makes a complaint about discrimination or harassment will be subjected to any retaliation or incur any penalty or adverse consequence for making a complaint.
- (e) The manager shall implement this chapter by instituting policies and procedures for the purpose of permitting an employee or applicant who feels that he or she has a complaint under this chapter or that some employee has violated the mandates of this chapter to make that complaint known to the appropriate officer or authority within the Unified Government. Additionally, the manager shall set up a procedure for investigating and responding to said employee or applicant's complaint.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.