

Resolution #21-0091
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RESOLUTION AMENDING ARTICLE I, SECTION 1 OF THE PERSONNEL RESOLUTION
OF THE CITY OF WINSTON-SALEM ENTITLED
“EQUAL EMPLOYMENT OPPORTUNITY”

BE IT RESOLVED, by the Mayor and Winston-Salem City Council as follows:

Section 1. Article I, Section 1 of the Personnel Resolution of the City of Winston-Salem is hereby amended to read as follows:

Sec. 1. - Equal employment opportunity.

- (a) Employment practices in city government shall at all times adhere to the spirit and letter of federal, state and local laws, rules and regulations promulgated thereunder guaranteeing equal employment opportunities and promoting fairness in compensation to all persons without regard to and prohibiting discrimination, bullying or harassment on the basis of race, ethnicity, color, creed, religion, sex, sexual orientation, gender identity or gender expression, protected hairstyles, pregnancy, ~~handicap~~ disability unless a bona fide occupational qualification exists, age, veteran status, marital status, familial status, political affiliation or national origin. ~~unless a bona fide occupational qualification exists.~~

For purposes of this Article, the terms used herein shall mean the following: (i) Familial status means one or more individuals (who has not attained the age of 18 years) being domiciled with: (1) A parent or another person having legal custody of such individual; or (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years; (ii) Protected Hairstyle means any hairstyle, hair type, or hair texture historically associated with race such as, but not limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, and afros; and (iii) Consistent with the decision of United States Supreme Court in Bostock v. Clayton County, 140 S. Ct. 1731 (2020), the term “sex” or the phrase on the “basis of sex” or “because of sex” shall expressly include sexual orientation, gender identity, gender expression and any other protected category held to be covered by said term and phrases in the aforementioned case.

- (b) Persons noted above will receive impartial consideration for initial employment and promotion; will possess equal standing and security as city employees; and will have equal opportunity to receive training, develop skills and opportunities to advance. Such opportunities shall be limited only by the individual's abilities and the requirements of the work force.
- (c) All activities, facilities, services and training operated, sponsored or participated in by the city shall be available to employees without any segregation or discrimination based on race, ethnicity, color, creed, ~~color~~ religion, sex, sexual orientation, gender identity or gender expression, protected hairstyles, pregnancy, ~~handicap~~ disability unless a bona fide occupational qualification exists, age, veteran status, marital status, familial status, political affiliation or national origin., ~~unless a bona fide occupational qualification exists~~

- (d) It is illegal and against the policies of the City of Winston-Salem for any employee, ~~male or female~~, regardless of gender or gender identification, to sexually harass another employee. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (e) Individuals who may believe they have been subject to discrimination, harassment, bullying or sexual harassment shall be entitled as a matter of right to use any and all existing grievance procedures without fear of coercion or reprisal. An employee who has been found to have discriminated against, harassed, bullied or sexually harassed another employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her personnel file up to and including termination.

Section 2. This resolution shall become effective upon adoption.