

[Post Non-Discrimination Notice]

Ordinance amending Section 3303 of the San Francisco Police Code to require employers to post a non-discrimination in employment notice created and distributed by the Human Rights Commission.

Note: Additions are *italic; Times New Roman*; deletions are ~~strikethrough italic; Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough-normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 33 of the San Francisco Police Code is hereby amended by amending Section 3303, to read as follows:

Sec. 3303. EMPLOYMENT.

(a) Prohibited Activity. It shall be unlawful for any person to do any of the following acts wholly or partially based on actual or perceived race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability, place of birth, height, weight, association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter of an employee or applicant for employment:

(1) By an employer: To fail or refuse to hire, or to discharge any individual; to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment, including promotion; or to limit, segregate or classify employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his/her status as an employee;

(2) By an employment agency: To fail or refuse to refer for employment any individual; or otherwise to discriminate against any individual;

1 (3) By a labor organization: To exclude or expel from its membership or to
2 otherwise discriminate against any individual; or to limit, segregate or classify its membership;
3 or to classify or fail or refuse to refer for employment any individual in any way which would
4 deprive or tend to deprive such individual of employment opportunities, or would limit such
5 employment opportunities, or otherwise adversely affect his/her status as an employee or as
6 an applicant for employment;

7 (4) By an employer, employment agency or labor organization:

8 (i) To discriminate against any individual in admission to, or employment in, any
9 program established to provide apprenticeship or other training or retraining, including any on-
10 the-job training program,

11 (ii) To print, publish, advertise or disseminate in any way, or cause to be printed,
12 published, advertised or disseminated in any way, any notice or advertisement with respect to
13 employment, membership in, or any classification or referral for employment or training by any
14 such organization, which indicates an unlawful discriminatory preference.

15 (b) Bona Fide Occupational Qualification Not Prohibited; Burden of Proof.

16 (1) Nothing contained in this Section shall be deemed to prohibit selection or
17 rejection based upon a bona fide occupational qualification;

18 (2) In any action brought under Section 3307 of this Article (Enforcement), if a party
19 asserts that an otherwise unlawful discriminatory practice is justified as a bona fide
20 occupational qualification, that party shall have the burden of proving: (1) that the
21 discrimination is in fact a necessary result of a bona fide occupational qualification; and (2)
22 that there exists no less discriminatory means of satisfying the occupational qualification.

23 (c) Exceptions.

24 (1) It shall not be an unlawful discriminatory practice for an employer to observe the
25 conditions of a bona fide seniority system or a bona fide employee benefit system, provided

1 such systems or plans are not a subterfuge to evade the purposes of this Article; provided,
2 further, that no such system shall provide a pretext to discriminate against an individual
3 because of his or her actual or perceived race, religion, color, ancestry, age, sex, sexual
4 orientation, gender identity, disability, place of birth, height, weight, association with members
5 of classes protected under this chapter or in retaliation for opposition to any practices
6 forbidden under this chapter;

7 (2) Nothing in this Section shall be construed to apply to employment by any
8 business which employs five or fewer employees including the owner and any management
9 and supervisory employees.

10 (d) All employers with a business tax registration certificate from the City shall post in
11 conspicuous places, available to employees ~~and applicants for employment~~, a non-discrimination in
12 employment notice in such form and content as shall be created and approved by the Human Rights
13 Commission. The notice shall inform employees that employers are prohibited from discriminating in
14 the recruitment, selection, training, promotion and termination of employees based on any of the
15 categories specified in this section. The notice shall measure ^{at least} 8-1/2 by 11 inches and be in ten-point
16 type or larger. The notice shall be distributed by the Human Rights Commission ~~annually~~ to all
17 businesses with a business tax registration certificate issued by the Tax Collector and annually
18 to all new such businesses.

19
20 APPROVED AS TO FORM:

21 LOUISE H. RENNE, City Attorney

22
23
24 By:


25 CATHARINE S. BARNES
Deputy City Attorney



City and County of San Francisco

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Tails

Ordinance

File Number: 010141

Date Passed:

Ordinance amending Section 3303 of the San Francisco Police Code to require employers to post a non-discrimination in employment notice created and distributed by the Human Rights Commission.

March 26, 2001 Board of Supervisors — PASSED, ON FIRST READING

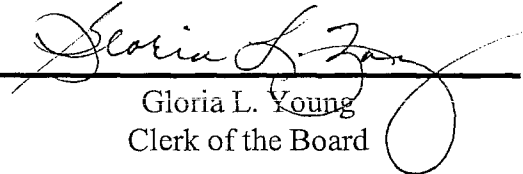
Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

April 2, 2001 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Daly, Gonzalez, Hall, Leno, Maxwell, McGoldrick,
Newsom, Peskin, Sandoval, Yee

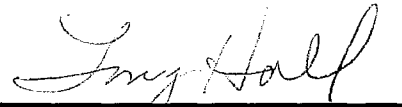
File No. 010141

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 2, 2001 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

APR 13 2001

Date Approved


Mayor Willie L. Brown Jr.