

**REVISED LEGISLATIVE DIGEST**

(10/5/2021, Amended in Board)

[Administrative Code - Repealing Employee Sexual Privacy Ordinance; Requiring Data Collection Requests]

**Ordinance amending the Administrative Code to repeal the City Employee’s Sexual Privacy Ordinance; direct the Department of Human Resources (DHR) to request that applicants for City employment voluntarily provide anonymous sexual orientation and gender identity information; direct City departments to request that employees voluntarily provide anonymous sexual orientation and gender identity information when responding to surveys that also seek other demographic information; and direct DHR to develop systems for voluntary collection and confidential retention of sexual orientation and gender identity information.**

Existing Law

Chapter 12E of the Administrative Code prohibits the City from inquiring into the sexual orientation, habits, and practices of City employees, subject to certain exceptions. This prohibition was enacted during the height of the HIV/AIDS crisis in the City as a means to prevent discrimination against LGBTQ+ individuals, who were perceived to be HIV positive or living with AIDS at that time. Since the enactment of Chapter 12E, discrimination and harassment based on HIV status, sexual orientation, and gender identity is now prohibited under federal, state, and local law, as well as City policy.

Amendments to Current Law

The proposed ordinance would repeal Chapter 12E of the Administrative Code. It would require the Department of Human Resources (DHR) to request that individuals who apply for City employment through DHR’s applicant tracking system to voluntarily provide sexual orientation and gender identity information. The ordinance would further require City departments to request that City employees voluntarily provide anonymous sexual orientation and gender identity information when the department conducts surveys that also request other demographic information. DHR must adopt guidelines concerning the questions and approaches applicable to these requests for information.

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