

RESOLUTION #

RESOLUTION ADDING SEXUAL ORIENTATION AND GENDER IDENTITY TO BUNCOMBE COUNTY NON-DISCRIMINATION STATEMENT

- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-94, the Board of Commissioners has the authority to establish rules and regulations affecting the workplace; and
- WHEREAS, Buncombe County has a strong record and history of inclusiveness in the workplace environment; and
- WHEREAS, our current employment practices and policies support an unbiased selection process, equal pay for equal work, and a merit-based promotion process; and our step-wise disciplinary process allows for due process and a dismissal process that must be based on "just cause" for those employees no longer on probationary status; and
- WHEREAS, currently Buncombe County employees may only be suspended without pay, demoted, or dismissed when just cause exists due to Unsatisfactory Job Performance and/or Unacceptable Personal Conduct; and
- WHEREAS, Buncombe County has a "No Retaliation Policy" and a "Respectful Workplace Policy" which are intended, in part, to provide clear expectations about workplace practices and continuing learning opportunities for employees and supervisors in order maintain and promote a culture of diversity and inclusion; and
- WHEREAS, many organizations and community leaders have suggested that it is appropriate to expand upon the legally protected classes provided for under federal or North Carolina law to include sexual orientation and gender identity; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to include sexual orientation and gender identity as protected classes in the Buncombe County non-discrimination statement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That Appendix F of the Buncombe County Personnel Ordinance containing the County's Unlawful Workplace Harassment Policy be amended as follows:

a. By deleting Section 2, Subparagraph A and replacing it as follows:

"A. Harassment based on an individual's race, color, religion, sex, national origin, political affiliation, physical or mental disability, age, veteran status, genetic information, sexual orientation, gender identity or any other legally protected class under federal or NC State law will not be tolerated."

b. By deleting Section 3, 1st Paragraph in its entirety and replacing it with the following:

“Unlawful Workplace Harassment is specifically defined as: Unwelcome or unsolicited speech or conduct based upon race, color, religion, sex, national origin, political affiliation, physical or mental disability, age, veteran status, genetic information, sexual orientation, gender identity or any other legally protected class under federal or NC State law that creates a hostile work environment or circumstances involving quid pro quo.”

2. That this resolution shall be effective upon its adoption.

This the 2nd of April, 2013.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney