

Ordinance No. 542

An Ordinance to Amend Chapter A236 Affirmative Action – A236-1 Intent and A236-3 Promotion of equal opportunity programs to eliminate discrimination.

WHEREAS, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“Code”);

WHEREAS, Chapter A236 Affirmative Action is being updated to include expanded provisions based upon the current change of our community.

NOW, THEREFORE, making the express finding that the Proposed Changes outlined below enhance the health, safety, and welfare of the City of New Castle, the City Council of The City of New Castle hereby ordains and adopts the following Code changes and revisions:

Section 1. Section “A236-1 Intent.” of the City Code is hereby amended and replaced in its entirety with the following (with new language identified in bold text):

The City of New Castle, recognizing the right of an individual to work and to advance on the basis of merit, ability and potential without regard to race, sex (**including pregnancy**), color, handicap, religion, national origin, national ancestry, age, veterans status, **gender, gender identification or expression, sexual orientation, marital status, disabilities, or any other basis prohibited by applicable law**, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

Section 2. Section “A236-3 Promotion of equal opportunity programs to eliminate discrimination.” of the City Code is hereby amended and replaced in its entirety with the following (with new language identified in bold text):

Affirmative action requires more than vigilance in the elimination of discriminatory barriers on the grounds of race, sex (**including pregnancy**), color, handicap, religion, national origin, national ancestry, age, veterans status, **gender, gender identification or expression, sexual orientation, marital status, disabilities, or any other basis prohibited by applicable law**. It must also entail positive and aggressive measures to ensure equal opportunity programs which can affect personnel practices and in those programs which can affect persons outside of city government. This affirmative action may include efforts necessary to remedy the effects of present and past discriminatory patterns and any action necessary to guarantee equal opportunity for all people.

Section 3. **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in direct conflict herewith are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless

the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading _____, 2023

Second Reading _____, 2023

Signed this _____ day of _____, 2023

_____, President of City Council

Attest: _____

, City Clerk

Approved: _____

, Mayor