

**To:** Members of Dublin City Council

**From:** Dana L. McDaniel, City Manager

**Date:** September 8, 2020

**Initiated By:** Homer Rogers, Assistant City Manager / Chief Strategy and Innovation Officer

**Re:** 2020 Review of City Policy, Practices and Training Pertaining to Diversity, Equity and Inclusion (DE&I)

## Background

In an effort to combat injustice, inequity, intolerance, negative stereotyping and discrimination based on race, religion, ethnicity or belief, City Council passed Resolution 37-20 on June 22, 2020. Council subsequently passed Resolution 41-20 on August 10, 2020 to establishing a Community Task Force and a Chief's Advisory Committee to provide assistance and advice on this same effort. In Section 5 of Resolution 37-20, City Council directed the City Manager to undertake a review of the City's relevant organizational and departmental policies, practices, and training to ensure the City fosters diversity, equity, and inclusion in all aspects of City Operations and report findings and improvement plans to City Council no later than September 14, 2020.

Council also encouraged and authorized external assistance, assessment and auditing in Resolution 37-20. To that end, Staff has contracted with Mr. Stephen Francis of Franchise D&I Solutions to conduct a Diversity/Inclusion Appraisal, which will commence on September 18<sup>th</sup>, 2020. This external appraisal will engage several City employees at different management levels and will help do the following:

- Evaluate the quality of D&I processes
- Quantify the impact of D&I on business effectiveness
- Discover areas where increased efforts may be needed
- Determine how to increase the productivity of D&I initiatives; and
- Learn where to prioritize what resources may be required to achieve progress

The D&I Appraisal will pose questions pertaining to the following diversity management areas:

- HR Diversity (associate recruitment, retention, development and training)
- Purchasing Diversity (small, minority, women and disadvantaged business utilization)
- Diverse Community Relations/Philanthropy (diverse financial and programmatic support)
- Diversity Strategy, Planning, Implementation and Accountability (diversity goals and objectives)

Finally, while race, ethnicity, religion, or beliefs are specifically addressed by Resolution 37-20, this review will also include consideration of the various other protected classes included in the Civil Rights Act of 1964, as clarified as recently as June 15, 2020 by the Supreme Court's ruling pertaining to the definition of sex.

**Demographic Summary** – The following statistics provide a comparison of the demographics of the Dublin City workforce to the Community and City Schools.

1) **CITY WORKFORCE (Permanent Employees):** A total of **189** employees have been promoted/hired into the indicated levels in previous 5 years.

<b>Number by Category</b>	White	Black	Asian	Hispanic	Native American	Other	Men	Women
Sr Leadership	21	2		2			13	12
Mid-Level Mgmt	26						20	6
Staff	128	5	1	4			81	57

2) **CITY WORKFORCE (Permanent Employees):** A total of **391** employees currently occupy these levels of positions within the City

<b>Number by Category</b>	White	Black	Asian	Hispanic	Native American	Other	Men	Women
Sr Leadership	19	2		1			13	9
Mid-Level Mgmt	56	1		1			31	27
Staff	296	8		7			205	106

3) **CITY WORKFORCE (Non-Permanent Employees):** A total of **440** non-permanent (Seasonal, Temporary, Intern, etc.) employees currently in the following categories

<b>Number by Category</b>	White	Black	Asian	Hispanic	Native American	Other	Men	Women
Non-Perm Staff	386	19	19	8		8	220	220

4) **DUBLIN RESIDENTS:** As of 2020, the population of Dublin was about **49,159** and is categorized as follows:

<b>Percent by Category</b>	White	Black	Asian	Hispanic	Native American	Other/Multi	Men	Women
Dublin Residents	70.5%	2.6%	23.8%	2.5%	0.1%	3.1%	49.3%	50.7%

5) **DUBLIN CITY SCHOOLS:** Current enrollment of Dublin City Schools is **16,522** and is categorized as follows:

<b>Percent by Category</b>	White	Black	Asian	Hispanic	Native American	Other/Multi	Men	Women
Dublin City Schools	60.5%	5.1%	20.9%	7.5%	0.1%	6.0%	51.9%	48.1%

## **Current Policy, Practices and Training**

In addition to Resolution 37-20 and Resolution 41-20 the following is an accounting of current policy, practices and training geared toward fostering Diversity, Equity and Inclusion (DE&I):

1) Diversity & Inclusion Statements: The City Staff, in 2019, developed statements on Diversity and Inclusion, which are now being propagated throughout the City in its policies, practices and training. These statements are:

**DIVERSITY:** "We are a team of different and unique qualities which enable us to best serve our community."

**INCLUSION:** "We welcome and expect diversity and we provide opportunities for all team members to contribute to the City's success."

2) Council Resolution: City Council Resolution 37-17, passed April 24, 2017 (A Resolution Combatting Intolerance, Negative Stereotyping and Discrimination based on Religion, Belief, or Ethnicity.) Among other things, this resolution rejects discrimination of any kind, encourages all residents to speak out against intolerance, and encourages the representation and meaningful participation of individuals, irrespective of the religion, belief or ethnicity in all sectors of society.

3) Memberships and other Relationships with Diverse Organizations: The City of Dublin is an active supporting member of several diverse organizations with which we have developed an outstanding ongoing relationship. Some organizations of which we are a member represent our international community to include the Asian Indian American Business Group (AIABG), the Japanese American Society of Central Ohio (JASCO), and the Greater Columbus Chinese Chamber of Commerce. Other organizations, like the Central Ohio Diversity Consortium (CODC), are more diversity and inclusion focused. The CODC meets quarterly to present training, discuss issues, and provide resources pertaining to encouraging and building Diversity, Equity, & Inclusion Strategy within an organization. Human Resources and Police Staff members routinely attend CODC meetings. Outside of formal memberships, the City does have pride in maintaining healthy and beneficial relationships with various other international and diverse organizations to include the Federation of Indian Associations and the Consul Generals of Japan, Ireland, China, Germany, and India.

4) City Code on EEO: City of Dublin Code of Ordinances, Chapter 33 (Human Resources Policies), Subsection 33.09 (Equal Employment Opportunity Policy) provides for equal employment opportunity for all persons regardless of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, disability, marital status, or veteran's status. This applies to all Human Resources and programs practices, as well.

5) City Code on Disciplinary Matters: City of Dublin Code of Ordinances, Chapter 33 (Human Resources Policies), Subsection 33.69 (Disciplinary Actions), paragraph (A)(12), includes in the of examples of just cause for discipline the deliberate discrimination against an employee or applicant because of race, color, national origin, religion, sex, genetic information, pregnancy, age, ancestry, military status, sexual orientation, gender identity, disability, marital status, or veteran's status, or any reprisal action against any employee or applicant based on such criteria.

6) City Code on Ethnic Intimidation: City of Dublin Code of Ordinances, Chapter 131 (Offenses Against Property), Subsection 131.11 (Ethnic Intimidation) says that no person shall violate various identified sections of the Ohio Revised Code or City of Dublin Code by reason of race, color, religion or national origin of another person or group of persons.

7) Sexual Harassment Policies: Administrative Orders 2.2 and 2.3 (Sexual Harassment Policies for Employees and Supervisors) provide a formal written policy expressly prohibiting sexual harassment, a procedure for reporting allegations of sexual harassment, and guidance to employees regarding the types of conduct/behavior which constitute sexual harassment. Finally, direction and guidance is provided to Directors and other supervisory personnel in enforcing the City's Sexual Harassment Policy.

8) Discrimination Policies: Administrative Order 2.66 (Discrimination Policy) provides a formal written policy prohibiting unlawful discrimination and to establish proper reporting procedures for reporting allegations of such discrimination.

9) Transgender Restroom and Locker Room Use: Administrative Order 2.73 (Transgender Use of Restroom, Locker Room, Shower Policy), originally dated November 15, 2016, established the policy that employees, volunteers, residents, or visitors should use the restroom facilities that correspond with their gender identity. This same policy applies to the restrooms in the Dublin City Recreation Center. At the Recreation Center, however, transgender individuals are encouraged to use either the locker room/shower facility that corresponds with their gender identity assigned at birth or one of the four private changing rooms that are available at the Recreation Center due to the familial nature of the facility.

10) Participation in Human Rights Campaign's (HRC) Municipality Equality Index (MEI): On November 26, 2019, City Council received an informational memorandum about the Human Rights Campaign, their Municipality Equality Index, and the City of Dublin's assessed score. Since the publication of this memorandum, the City has taken steps that should result in improvements in the assessment to include:

a. Training – Utilizing the Cornerstone online platform, training on topics such as Diversity & Inclusion, Harassment, and LGBTQ+ Awareness was conducted with full participation of City Staff.

b. LGBTQ+ Liaisons - The City has assigned two LGBTQ+ Liaisons between the Community and the City Manager's Office and the Police Department.

c. All-Gender Designation - All single-occupancy facilities (restrooms, changing rooms, etc.) in City-owned buildings have been designated as "All Gender" per Administrative Order 2.73 (Transgender Use of Restroom, Locker Room, Shower Policy).

11) Health Benefits: Dublin's Health Benefits Plan covers services for Gender Dysphoria and Gender Transformation Surgery. In 2017, Dublin updated its Health Benefits Plan to include coverage for these types of services and procedures.

12) Leave Provisions: Paid Leave Provisions in the City's Benefits plan are applicable to LGBTQ+ employees in the same manner as any other employee. Specifically, with the Supreme Court

Ruling of 2016 pertaining to same sex marriage, the City does extend health benefits and leave provisions that recognize same sex spouses as family members of LGBTQ+ employees.

13) D,E, & I Training Strategy: The City Employee Diversity, Equity, and Inclusion Training Strategy was approved by the City Manager on August 7, 2020. Over the course of the last several years, the City has conducted annual and bi-annual training sessions on sexual harassment, diversity & inclusion, and anti-discrimination with Ms. Dyann McDowell, of Training Marbles, Inc. The City has also engaged in occasional single training events like "LGBTQ+ 101", taught by Lori Gum of the Stonewall Columbus Speakers Bureau, and "Building Cross-Cultural Competence", taught by the Columbus Council on World Affairs. These trainings have all been beneficial to the City, but now the City has devised a comprehensive strategy that intentionally and purposefully engages all levels of the organization between now and 2023 with the intent of gaining alignment and fostering a culture of diversity, equity, and inclusion throughout.

14) Police Recruiting: In 2018, the Police Department conducted a research project to improve diversity in recruiting and hiring within the Dublin Police Department. In this effort, representative of the Japanese, Chinese, Latino, Indian, Black, and Muslim communities were engaged for their input and suggestions. While today's climate surrounding adverse news stories depicting police use of force and communities in conflict have dampened the desire for people to pursue a career in law enforcement, many suggestions were made. Since then, the partnership of Human Resources and the Police Department have undertaken a significant effort to outreach to diverse communities and organizations in recruitment of Police Officers. The Police Department has also created and implemented an in-person study session for candidates who are preparing to take the Police entrance exam. This is mainly designed to assist those from disadvantaged backgrounds to improve their potential in passing the exam. Study Guides have also been made available. Finally, the Dublin Police Department has also formed a Diversity and Inclusion Unit that includes recruitment as one of its major functions.

### **Opportunities for Improvement:**

While it is clear that the City does support and promote a culture that fosters diversity, equity, and inclusion, there are some opportunities for improvement that should be considered. Again, a more in-depth review is forthcoming with the assistance of Stephen Francis, of Franchise D&I Solutions, LLC, which will commence on September 18<sup>th</sup>, 2020 so this is not an exhaustive accounting. The following are a few of the areas that have surfaced in this initial review, which are worthy of consideration and discussion.

1) Online Job Opportunity Announcements: The City has relied heavily on posting job announcements online with great success. Normally, the City receives an overabundance of job applicants for any given position. Based upon the interest generated, the City has clearly become an "Employer of Choice". The City requires applications be submitted online, but will make accommodations for individuals with disabilities to make applications outside this process. The practice of relying on online job announcements and applications may have a disparate impact, however, against certain groups of people due to lack of access to adequate automation devices and/or the internet. This may be most prevalent in searching for seasonal workers. It is recommended that Human Resources reach out to various organizations who could assist in widening the diversity of the applicant pool to include those who otherwise may not have access to this online medium of soliciting job applications. Human Resources should build relationships in this regard, which will further enable the City to foster a culture of diversity, equity and inclusion.

2) Survey of Recently Hired Employees pertaining to the Recruiting and Onboarding Processes – All employees hired by the City since January 1, 2019, were asked to respond to a series of questions pertaining to the recruiting and onboarding processes. Several very positive comments were made and the City should be proud of its performance in these areas. There were, however, suggestions made for improvement and the Human Resources Division is reviewing those for possible implementation. The following summarized listing highlights some of those suggestions.

a) While training on Diversity, Equity, and Inclusion is present in the City, it should be a deliberate part of the onboarding process for new employees to include awareness of specific City programs and policies.

b) Hiring panels should represent more diversity in order to be more comforting to any applicants who are diverse. It was appreciated that females are highly represented on these panels, but Dublin could show greater diversity in other categories besides gender. One respondent was very appreciative that there was an LGBTQ+ person on their hiring panel. Another respondent commented that Dublin could show greater diversity in terms of race or ethnicity on these panels.

c) The City should openly provide diversity metrics of the City residents, its workforce, and businesses as part of its familiarization of the City to applicants and newly hired employees.

d) For recruiting, specific outreach to minority organizations such as ASCEND: The Black Professional Association of Columbus, Stonewall Columbus or Kaleidoscope Youth Center, Asian American Community Services, Japan-America Society of Central Ohio, among others would be beneficial.

e) Host "Diversity & Inclusion Talks" for staff members to attend. One employee's former employer did this and invited different groups to make a presentation to include the LGBTQ+ community, Somali community, Amish, Developmental Disabilities panel, Black community, Hispanic community, Asian community and more.

3) Recognizing Domestic Partners as Family Members: - It has been suggested that the City should consider reinstating domestic partners as "Family Members" under our benefit plans to allow eligibility for leave provisions and health benefits. Prior to the ruling of the Supreme Court in 2016, which legalized same-sex marriage nationwide, the City did take a progressive stance and did include domestic partnerships in its health benefits program and leave provisions. Dublin removed the domestic partnership provision, however, after the Supreme Court ruling, as the City recognized the potential exposure to the risk of fraud. The potential for fraud existed because the provision went a step further in order to promote a sense of fairness in that it also recognized opposite sex domestic partnerships. This left the City's Health Benefits programs exposed to potential fraud as a roommate or a mere cohabitating boyfriend or girlfriend of a Dublin employee could be added to the program despite no legally recognized familial relationship existing. An employee would only need to claim a domestic partnership relationship existed and Health Benefits and leave provisions would be extended. The nationwide legal recognition of same sex marriage provides the LGBTQ+ community with fairness and equity and it provides organizations a mechanism to ensure the organization's programs and benefits, without the potential for fraud and abuse, cover recognized familial relationships. Staff does not recommend the recognition of Domestic Partners under Dublin's Health and Benefits plans for these reasons.

4) Municipal Level Antidiscrimination Legislation: In the Municipality Equality Index, propagated by the Human Resources Campaign, there are a few areas of citywide antidiscrimination legislation that they suggest that City Council consider. These specific areas are Housing, Employment, and Public Accommodations. To date, Dublin has relied on Federal and State statutes and the enforcement mechanisms provided therein, like the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission (OCRC), for example. The following are examples of other municipalities adopting antidiscrimination legislation. The cities of Worthington and Westerville are highlighted below.

a. City of Worthington: The City of Worthington Enacted Chapter 539 (Discriminatory Practices, Civil Rights, Disclosure) of its codified Ordinances to prohibit discrimination in housing, employment and public accommodation in May of 2019 after a recommendation from its Community Relations Commission, the Worthington International Friendship Association, and Partners for Community and Character. In an effort to promote tolerance, respect and inclusion, City Council considered the recommendation in order to clarify that persons may not be treated differently because of a protected characteristic in Worthington. At the time, under Ohio law, there were protections against discrimination based on race, color, religion, sex, military status, national origin, disability, age and ancestry. However, there was no statewide protection for sexual orientation, gender identity or expression. Up until the passage of this non-discrimination ordinance, Worthington's Codified Ordinances only referenced race, color, religion or national origin. As an additional note, in June of 2020, the US Supreme Court ruled that the 1964 Civil Rights act protects LGBTQ+ employee from discrimination based on sex thus expanding the definition of "sex" in the federal statute.

Along with the passage of the ordinance, a complaint procedure was created. People who believe they have been discriminated against because of a protected characteristic may file a charge with the Worthington City Clerk. Depending upon the specific nature of the allegations, the person will be referred to the Ohio Civil Rights Commission or Equal Employment Opportunity Commission or the Law Director or his designee will proceed with an investigation. If the City retains the matter, voluntary mediation is available. If mediation is not pursued or is unsuccessful, the matter will be scheduled for a hearing. If the hearing officer finds that discrimination occurred, a cease and desist order and/or fine may be issued.

b. City of Westerville: In November 2019, the City of Westerville also passed its Chapter 511 (To Prohibit Unlawful Discrimination within the City) of its Codified Ordinances, as well. Westerville's ordinance is similar to Worthington's, but takes a different approach in the complaint process and enforcement. Westerville City Council authorized the City Manager to enter into an investigative and mediation services agreement with the City of Columbus for discrimination services.

5) Partnerships with Local Organizations: While the City is a member of or has a well-established relationship with several diverse and or international organizations, the City could continue to develop relationships or partnerships with many other organizations. Some of those organizations are Equality Ohio, Stonewall Columbus, the Diversity Chamber of Central Ohio, the Central Ohio African American Chamber of Commerce, and the Kaleidoscope Youth Center, just to name a few.

6) Community Statements / Public Support: During the course of this review, it was suggested that the City could take a more visible stance on matters in support of diversity and justice. A specific example that was cited is the display of the "Pride" flag throughout the community and on social media websites utilized by the City. This would be meaningful to the LGBTQ+ community, as they would physically see visible signs of support throughout Dublin.

7) Human Rights Commission: This is another suggestion from the Human Rights Campaign. It calls for the establishment of an ongoing Human Rights Commission that may or may not have an enforcement capability. This would be a community-facing body tasked with eliminating discrimination and educating the public on issues of diversity and inclusion. To these ends, the commission can hold community discussions, present panels, take public comment, advise City leaders and develop policies and strategies to make the City more inclusive. The Community Task Force approved by City Council as part of Resolution 41-20 could potentially recommend a commission of this nature.

8) Gender Neutrality in City Code and Policy: It is recognized that as the City drafts and revision City Code and Policy, an effort has been made to ensure gender neutrality in the language utilized. This effort should continue and be emphasized by City Council and the City Manager.

### **Recommendation**

Staff recommends that City Council consider taking action on these opportunities for improvement with the understanding that a more in depth appraisal is still forthcoming, as mentioned in the beginning of this memorandum.