ORDINANCE NO. 18735


BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. City of Topeka Code § 86-1, Topeka Human Relations Commission created, is hereby amended to read as follows:

Topeka Human Relations Commission created.

There is hereby created the Topeka Human Relations Commission. The executive director of the commission shall be appointed by the city manager, serve at the will and pleasure of the city manager, and be under the administrative direction of the city manager. The professional, administrative and support staff employed to support the commission shall be identified as the Topeka Human Relations Department, and the executive director of the commission shall be the director of the department.

Section 2. City of Topeka Code § 86-2, Same—Specific duties and responsibilities, is hereby amended to read as follows:

Same--Specific duties and responsibilities.

The commission's executive director shall have the following duties and responsibilities:

(1) To be the administrative head of the Topeka Human Relations Commission;

(2) To endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age in the city and to further goodwill among all people of the city;
To administer and enforce the provisions of this chapter;

To draft regulations as directed by the commission for consideration by the commission;

To receive, investigate, and attempt to conciliate or refer all complaints filed in accordance with this chapter;

To exercise any other duties and responsibilities specified as the director's in any section of this chapter, or any other city ordinance;

To manage any City of Topeka employees assigned to the Topeka Human Relation Department to delegate duties, functions and responsibilities to any staff personnel employed as authorized;

To appoint conciliation committees, as needed, from among the commission members;

To perform additional duties and responsibilities allocated by the city manager, as the need may arise;

To support the commission to endeavor to eliminate prejudice because of race, religion, creed, color, sex, disability, national origin or ancestry, or age and further goodwill among all people of the city; promote goodwill, cooperation and conciliation; support the commission in seeking additional funding to effectuate the purposes of this article; issue such publications, results of investigation not confidential in nature, and research as, in the judgment of the city attorney's office and director, will tend to promote goodwill and minimize or eliminate discrimination; and advise and support the commission and staff and receive and accept reports; and
(11) By March 1 of each year, to prepare and submit to the city and the city council a plan to address any problems or deficiencies identified by the commission in its annual report required by City Code section 86-28(3).

Section 3. City of Topeka Code § 86-51, Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the Topeka Human Relations Commission.

Complainant means a person who filed a written verified complaint alleging unlawful discrimination.

Director means the administrative head of the Topeka Human Relations Commission.

Disability means a physical, developmental, mental or emotional impairment which substantially limits one or more major life activities such as learning, communication, mobility, self-care, socialization, employment, housing or recreation. This includes any individual who is so limited as a result of having a record of such an impairment or being regarded as having such an impairment. Such impairments shall not limit a person's ability to perform essential functions of a particular job for which that person is otherwise qualified, nor limit such person's ability to occupy housing or to use public accommodations or other services or facilities covered by this article; provided, that reasonable accommodation is
made for the impairment, if required. Active alcohol, drug and other substance abuse is
excluded from this definition.

Discrimination means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial or any other differentiation or preference in the treatment of a person on account of race, religion, creed, color, sex, disability, national origin or ancestry or age, or any denial of any right, privilege or immunity secured or protected by the constitution or laws of the state or the United States. Discrimination shall include but not be limited to any practice which produces a demonstrable racial or ethnic effect without a valid business motive.

Governing body means the mayor and city council of the city.

Respondent means the person against whom a written verified complaint alleging unlawful discrimination has been filed with the director commission.

Written verified complaint means a complaint, in writing, alleging unlawful discrimination, filed in accordance with division 2 of this article, which has been witnessed and signed by a notary public.

Section 4. City of Topeka Code § 86-53, Application of state law, is hereby amended to read as follows:

Application of state law.

The provisions of the following statutes and any amendments thereto are hereby incorporated by reference as if the same had been set out in full herein: K.S.A. 44-1001; 44-1002; 44-1006; 44-1007; 44-1009; 44-1011; 44-1013; 44-1015 through 44-1018; 44-1021(a), (b), and (c); 44-1026; 44-1027; 44-1028; 44-1039; 44-1041; 44-1042; 44-1044; 44-1111; 44-1112; 44-1113; 44-1117; 44-1118; 44-1119, 44-1121 except that wherever
reference therein is made to the state, such reference shall be construed as referring to the

city, unless the sense thereof would be incongruous. All reference therein to the Kansas

Human Rights Commission shall be construed to refer to the Topeka's Human Relations

Commission; and all reference therein to the attorney general or county attorney shall be

construed to refer to the city attorney. By no means shall the penalty for K.S.A. 44-1020;

44-1027; 44-1041 and 44-1117 exceed the limits established by section 1-7 of the Code of

the City of Topeka.

Section 5. City of Topeka Code § 86-68, Investigation; time limit, is hereby
amended to read as follows:

Investigation; time limit.

(a) Upon the filing of a complaint alleging that any person has engaged in an
unlawful act in violation of this article or has engaged in a pattern or practice of
discrimination, the chairperson of the commission, in consultation with the director, shall
designate a commission member as investigating commissioner. The director, or
designated staff, shall investigate that alleged illegal act. The investigating commissioner
shall review or direct further investigation and determine probable or no probable cause.

(b) The investigation provided for in this section shall be completed, and a
determination of probable cause or no probable cause made, within 120 calendar days
from the date the complaint was filed with the commission. Notwithstanding the time limit
imposed by the foregoing sentence, for good cause the director with concurrence of the
investigating commissioner may extend the time limit for completion of the investigation an
additional period of 60 calendar days if such additional time is necessary to complete the
investigation. The investigation or the determination of probable cause or no probable
cause shall not continue more than 180 calendar days beyond the date the complaint was
filed with the commission unless the respondent refuses to comply with a subpoena and
subsequent legal proceedings make these time limits impractical. The commission shall not
lose jurisdiction over a complaint after 180 calendar days when legal proceedings are
pending or were active during that 180-day time period.

(b) Complaints filed with the commission may be dismissed by the commission
on its own initiative, and shall be dismissed by the commission upon the written request of
the complainant, if the commission has not issued a finding of probable cause or no
probable cause or taken other administrative action dismissing the complaint within three
hundred (300) days of filing the complaint. The commission shall mail written notice to all
parties of dismissal of a complaint within five (5) days of dismissal. Dismissal of a
complaint in accordance with this section shall not be subject to appeal or judicial review by
any court under the provisions of K. S. A. 44-1011 and amendments thereto.

(c) Upon the filing of a complaint, a complainant shall be advised by human
relations commission staff of any additional remedies, rights and obligations potentially
available to the complainant under state and federal civil rights law, as may be appropriate.
Specifically, human relations commission staff shall advise complainants of the requirement
that they file their complaints with the Equal Employment Opportunity Commission (EEOC)
and/or the Kansas Human Rights Commission (KHRC) in order to preserve their rights to
bring suit under federal anti-discrimination laws. Human relations commission staff will
assist the complainant in the filing of such complaints with the EEOC and the KHRC, if
requested.
Section 5. City of Topeka Code § 86-79, Reserved, is hereby amended to read as follows:

**Rules and regulations.**

The commission shall follow articles 30, 32, 33, 34, 41, 42, 43, 45 and 80 of the Kansas Administrative Rules and Regulations as adopted by the Kansas Human Rights Commission pursuant to K.S.A. 77-415 et seq. as applicable and insofar as the rules and regulations are not in conflict with Kansas statutes, provisions of the Code of the City of Topeka, and other rules and/or regulations adopted by the commission under authority of Topeka City Code Section 86-28(4).

Section 6. City of Topeka Code § 86-112, Definition, is hereby amended to read as follows:

**Definition.**

The affirmative action program is a positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to race, religion, creed, color, sex, physical handicap, disability, national origin or ancestry or age which is unrelated to the ability to perform a particular job or occupation national origin or ancestry.


Section 8. This ordinance shall take effect and be in force after its passage, approval and publication in the official city newspaper.
PASSED and APPROVED by the City Council October 17, 2006.

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Iris E. Walker, City Clerk

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William W. Bunten, Mayor