

★ Roll Call Number

Agenda Item Number

30

Date June 23, 2008

An Ordinance entitled, " AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Section 62-2 thereof, relating to expanding the time in which to file civil rights complaints",

which was considered and voted upon for the first time under Roll Call No. 08- 902 of May 19, 2008, and considered and voted upon for the second time under Roll Call No. 08- 1028 of JUNE 9, 2008, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

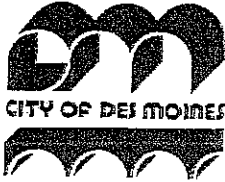
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk



**Council
Communication**
Office of the City Manager

Date May 19, 2008

Agenda Item No. 47
Roll Call No. 08-902
Communication No. 08-284
Submitted by: Rudy Simms, Human Rights
Director

08-1028
6/30

AGENDA HEADING:

Expanding time period in which to file civil rights complaints with the Des Moines Human Rights Commission from 180 to 300 days.

SYNOPSIS:

Recommend approving this amendment to expand the time period during which a complaint may be filed with the Des Moines Human Rights Commission from 180 to 300 days. This mirrors an amendment to the State Code for filing civil rights complaints with the Iowa Civil Rights Commission.

FISCAL IMPACT:

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The time in which to file civil rights complaints with the Iowa Civil Rights Commission was recently expanded in the Iowa Code to 300 days. By amending the City Code to a similar filing timeline, this will preserve the right to file for the full amount of time allowed under Iowa law. Since cases may be referred between the Iowa Civil Rights Commission and the Des Moines Human Rights Commission, having a 300 day limitation period at both agencies will save potential confusion by the public and/or the administration.

The EEOC also has a similar 300 day statute of limitations and for comparative purposes HUD has a one year statute of limitations.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

ORDINANCE NO. _____

08-902
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OK
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AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by amending Section 62-2 thereof, relating to expanding the time in which to file civil rights complaints.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by amending Section 62-2 relating to expanding the time in which to file civil rights complaints, as follows:

Sec. 62-2. Complaints filed.

- (a) Any person claiming to be aggrieved by an illegal discriminatory practice, as defined in this chapter, may file, personally or by an attorney, with the human rights commission or any staff member of the commission, a sworn complaint setting forth the particulars of the alleged discrimination or discriminatory practices and including the name and address of the person alleged to have committed the illegal discriminatory practice and such other particulars as may be required by the commission. Upon the filing of the complaint, the complainant shall be informed of the confidentiality of the commission's investigation and conciliation efforts, and the complainant's cooperation in maintaining the nonadversarial environment such confidentiality fosters shall be sought by commission staff.
- (b) Any complaint must be filed within ~~180~~300 days after the complainant knew or should have known of the most recent act constituting the alleged illegal discriminatory practice.
- (c) A complaint may be amended at any time before the final order is entered.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



Douglas P. Philip
Assistant City Attorney