

# TOWN OF HASTINGS, FLORIDA

## TOWN CODE

### Chapter 11

#### Labor

##### **Sec. 11.1. Employment discrimination.**

A. INTENT It is the intent of the Town Council of the Town of Hastings, Florida, in enacting this Ordinance, to secure an end in the Town to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, handicap, source of income and place of residence or business.

B. DEFINITIONS The following words are terms when used in this Ordinance have the following meanings:

*Age* means 18 years of age to 70 years of age, excepting in the instances where different ages with respect to employment may be provided by applicable law.

*Town* means Town of Hastings, Florida.

*Employee* means any individual employed by or seeking employment from an employer.

*Employer* means any person who, for compensation, employs an individual, except for the employer's parent, spouse, children or domestic servants, engaged in work in and about the employer's household; any person acting in the interest of such employer, directly or indirectly; and any professional association.

*Employment agency* means any person regularly taking or undertaking without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such a person.

C. GENERAL PROHIBITIONS. It shall be an unlawful discriminatory practice to do any of the following acts, wholly or partially based on the race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, handicap or political affiliation, of any individual:

- 1.) By an employer. To fail or refuse to hire, or to discharge, any individual; or otherwise to discriminate against any individual, with respect to his compensation, terms, condition, or privileges of employment, including promotions; or to limit, segregate or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee; or
- 2.) By an employment agency. To fail or refuse to refer for employment, or to classify for employment, any individual or otherwise discriminate against any individual; or
- 3.) By an employer. To exclude or to expel from its membership, or otherwise to discriminate against, any individual; or to limit, segregate, or classify its membership; or to classify, or fail, or refuse to refer for employment any individual in any way, which would deprive such individual of employment opportunities, or would limit such employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment; or
- 4.) By an employer, employment agency or labor organization. To print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer, or to membership in or any classification or referral for employment by such a labor organization, or to any classification or referral for employment by such an employment agency, unlawfully indicating any preference, limitation, specification or distinction based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, handicap or political affiliation of any individual.
- 5.) It shall further be an unlawful discriminatory practice to do any of the above acts for any reason that would not have been asserted but for, wholly or partially, a discriminatory reason based on race, appearance, sexual orientation, family responsibilities, handicap or political affiliation of any individual.
- 6.) Exception. It shall not be unlawful discriminatory practice for an employer to observe the conditions of a bona fide seniority system or a bona fide employee benefit system such as retirement, pension, or insurance plan which is not a subterfuge to evade the purposes of this Ordinance.

D. PENALTY Any person, firm or corporation violating any provision of this Section shall be guilty of a misdemeanor of the second degree and fined not more than five hundred dollars (\$500.00), imprisoned in the County Jail for a term not to exceed sixty (60) days, or shall be subject to both such fine and imprisonment. A separate offense shall be deemed to have been committed on each day during on which a violation occurs or continues.

*History: Ordinance 85-3, as amended*