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Northeast Ohio Municipalities Add "Gender Identity" and "Sexual Orientation" to the Protected Classes

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On November 30, 2009, both the City of Cleveland and the City of Akron amended their city ordinances to include new classes of individuals protected under already enacted non-discrimination ordinances. In doing so, both cities have followed a growing trend in the state of Ohio of municipalities providing codified non-discrimination provisions for "sexual orientation" and "gender identity."

In Cleveland, the City Council amended its discrimination in employment, fair housing, and public accommodation city ordinances to include the term "gender identity or expression" to its expansive list of protected classes – race, religion, color, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era disabled veteran status. "Gender identity or expression" is defined in Cleveland's ordinances as "the gender-related identity, external presentation of gender identity through appearance, or mannerisms or other gender-related characteristics of an individual regardless of the individual's designated sex at birth." Employers should be particularly cognizant of this amendment as the penalties for violating the nondiscrimination in employment ordinances carry with it a potential fine up to \$1,000 for each offense and a prison sentence not to exceed 30 days.

The Akron amendments, on the other hand, have introduced both "sexual orientation" and "gender identity" to the city's nondiscrimination ordinances. The amendments define "sexual orientation" as "a person's actual or perceived heterosexuality, homosexuality, or bisexuality, by orientation or practice" and define "gender identity" as "the gender a person associates with himself or herself." Akron's amended ordinances cover city contractors, employers, and employment agencies. Employers who do business with the city and are found to violate these new ordinances face potential misdemeanor charges and any city contractors will run the risk of forfeiting their contracts.

Employers doing business in either city should revise their employment policies, applications and forms, as appropriate, and train their supervisors and managers on these ordinances. [millisor+nobil](#) is prepared to assist employers mitigate their potential liability under either city's newly amended nondiscrimination ordinances.

For additional information, please contact a [millisor+nobil](#) attorney in the [Human Resources Group](#) at 800/800-8806 or click on the envelope to email:

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