



**Offered by Councilors Lydia Edwards and Andrea J. Campbell
Zakim Wu O'Malley Janey Garrison Flynn Flaherty Essaibi-George
An Ordinance Relative to the Establishment of an Independent
Commission on Equal Opportunity and the Elimination of Systemic
Bias in the Workplace**

Whereas: The City of Boston is committed to being a City and workplace free of discrimination;

Whereas: The City of Boston has historic instances of bias and discrimination which have impacted its efforts to diversify our City workforce and must be overcome through intentional and strategic interventions;

Whereas: Many of today's struggles with bias and discrimination are systemic issues that were inherited from past administrations and resulted in departments and agencies that do not reflect the fullness of Boston's diversity, and reflect a lack of accountability despite reports, lawsuits and settlement agreements;

Whereas: When circumstances evidence the presence of systemic bias, it is a good and honorable endeavor to engage in an independent investigation of an agency to understand where biases lie, where systemically there are areas of improvement and ways to greatly reduce or eliminate discrimination;

Whereas: The City currently does not have a standard format, template or set of guidelines for when and how an independent investigation should be conducted; and

Whereas: The Mayor or the City Council should be able to call for an independent investigation after being made aware of a pattern or practices of bias or discrimination within a city agency or the City Council; **NOW THEREFORE BE IT**

ORDERED, that the City of Boston Code be updated by adding the following new section, 5-11 to establish a Commission on Equal Opportunity and the Elimination of Systemic Bias.

Chapter 5-11: Commission on Equal Opportunity and the Elimination of Systemic Bias

SECTION 1.

There shall be, in the City of Boston, a Commission on Equal Opportunity and the Elimination of Systemic Bias (the "Commission"). The commission shall, at the request of the Mayor or by a majority vote of the City Council, initiate an independent review of a city agency or department or quasi-public agency including the Boston Redevelopment Authority, Boston Public Health Commission and the Boston Water and Sewer Commission. The Commission shall be authorized to develop protocols and standards for independent review, issue requests for

proposals to conduct further review where necessary, retain investigators, monitor implementation of departmental diversity and inclusion plans, and oversee the implementation of binding legal decrees.

SECTION 2.

The Commission shall have seven (7) members, one of whom shall be nominated by the Mayor of Boston, one of whom shall be nominated by the City Council President, one of whom shall be nominated by the chair of the City Council's Committee on Civil Rights, and two of whom shall be members of the public with experience in organizational diversity, equity and inclusion and/or labor law. The two members of the public shall be selected from a pool of applicants and nominated jointly by the Mayor and majority vote of the Boston City Council.

All members of the Commission shall be confirmed by public hearing at the Boston City Council.

The members shall serve a term of 2 years and shall meet quarterly and be required to hold biannual publicly advertised hearings as described in Section 3.

SECTION 3.

The Commission shall review (1) requests by the Mayor and/or Boston City Council for an independent investigation and ensure such investigations adhere to standards as described in Section 4; (2) departmental progress toward equal opportunity and the elimination of systemic bias; (3) efforts to implement city programs to increase diversity, reduce incidents of workplace harassment or otherwise promote equal opportunity in the workplace; (4) the status of binding legal decrees related to labor relations, employee health or safety, diversity, or other issues related to workplace conditions and social climate; or (5) other matters as specified by the Commission. The Commission may also hold public hearings at its discretion.

SECTION 4.

Unless otherwise specified in this Chapter or elsewhere in statute, the Commission may establish standards and protocols for a request or call for an independent investigation, as well as internal rules and procedure that will govern the Commission itself including the procedure for retaining an independent investigator; the scope of an independent investigation; the drafting, approving and publication of any recommendations for policy changes resulting from such independent investigation; the timeline and procedure for reporting back findings to the Mayor and/or Boston City Council; and the number of commissioners required for a quorum and other matters as specified by the Commission.

The Commission shall have a budget funded by the City of Boston.

SECTION 5.

Upon the completion of an investigation by the Commission or an entity contracted by the City at the recommendation of the Commission, the Commission shall have the power to subpoena

and to issue binding policy orders to a city department or multiple city departments. Such a policy order shall be reasonably limited to (1) efforts to promote diversity, equity and inclusion and (2) findings of the Commission or of an investigation sponsored by the Commission.

SECTION 6.

This ordinance shall take effect upon passage.

Filed on: January 16, 2019