

# 'Looks law' would be court-ready

By JOHN ROBINSON

Sentinel staff writer

Anti-Bias Law 22-92

SANTA CRUZ — The city's proposed anti-discrimination ordinance will certainly lead to long and costly court battles, both sides agreed at a meeting Friday.

"The courts are going to have a field day and throw the whole ordinance out," said Rita Risser, an attorney representing the Santa Cruz Chamber of Commerce.

Councilman Neal Coonerty, the ordinance sponsor, agreed the ordinance would probably be challenged in court, but that it was worth enacting anyway.

"The issues are important enough that it should be done," Coonerty said. "We should pass it, even though it will probably be challenged. I think we should leave it up to the courts. ... There is a possibility that it will be upheld."

The ordinance, which would outlaw job and housing discrimination because of sexual orientation, height, weight and personal appearance, has come under fire from its inception, because of its content and language that is less than clear.

The City Council voted to support the ordinance but ordered it into a committee for re-

writing so that all of the issues would be clearly defined and understood.

Rewriting the ordinance will not be easy, committee members found out Friday at their first meeting.

Mayor Don Lane charged the group to "deal more with the practicalities than the philosophy of the issues." But as the discussion progressed, he acknowledged that what he had hoped would take only two meetings was going to take a lot more time.

Even apparently simple clauses of the ordinance are proving complex.

*Please see ORDINANCE — A12*

## Ordinance

*Continued from Page A1*

For example, the ordinance was to apply only to businesses that employ five "regular" workers or more.

"Does that mean if I have four workers and I hire a temporary for one day that then all of this applies to me?" Risser asked.

Coonerty responded that he didn't think it would if the temporary worker left after three days, and both turned to the city attorney for an answer.

"My impression is it applies only while five people are working," the attorney said. "If that dropped back down to three employees, they could discriminate again."

After some discussion it was decided to see if the state's definition of regular workers — which basically rates a regular worker as any position that is filled 20 weeks of the year, full or part time — would suffice for the local ordinance.

The problem is that the state's definition is under attack in a lawsuit coming before the state Supreme Court.

The ordinance also was to apply to religious organi-

zations that are non-profit.

Coonerty said that while he could support a religious organization's need to hire within its religion or denomination for religious instruction, he questioned whether it should apply to other positions such as a janitor.

"If the Catholic Church did not want to hire gays — would that be under the ordinance?" Risser asked.

Coonerty said that perhaps it should.

The city attorney responded that specifying that religious organizations can discriminate only on the basis of religion, and not sexual orientation, for example, would be a "political" decision.

Such questions lead to constitutional issues over the separation of church and state, Risser said.

"It doesn't matter, you're going to get sued, no matter what," she said.

After two hours the group had yet to tackle some of the toughest issues in the 18-page ordinance, including defining personal appearance and working out the complaint process.

The committee will meet again Friday and hopes to have an ordinance ready by mid-March.