

2 53M 2/11/92 B1 ANTI-BIAS LAW

# Bias bill up for final vote tonight

By Paul Rogers  
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Santa Cruz's proposed anti-discrimination ordinance may be based on good intentions, but it will only slow earthquake recovery and lead to crippling lawsuits, according to local business leaders widely opposed to the measure.

The ordinance comes before the city council for a final vote tonight.

If approved, it would make Santa Cruz the first city in California to outlaw job or housing discrimination based on sexual preference, height, weight and — most controversial — personal appearance.

People who felt they were victims of discrimination would meet with their employer or landlord and an independent mediator. If no compromise could be reached, they would have grounds to sue.

Similar federal laws already exist to prevent discrimination based on race, religion or gender.

Since Councilman Neal Coonerty introduced the idea a month ago, almost no one in this staunchly liberal city has quarreled with extending more rights to gay men and lesbians.

In fact, the Santa Cruz Chamber of Commerce supports passing a local version of

AB 101, the gay rights legislation vetoed last fall by Gov. Pete Wilson. And Louis Rittenhouse, one of two conservatives on the council, plans to introduce a local version of the same bill tonight as an alternative to Coonerty's ordinance.

So far, most of the controversy has surrounded personal appearance questions.

"If you choose a counterculture lifestyle — body-piercing, tattoos, that kind of thing — you have every right," said Harvey Nickelson, president of Coast Commercial Bank. "But a business has every right to choose standards it wants to set, too."

National media attention and much of the

local debate have centered on how the law would affect people with spiked hair, pierced tongues and unorthodox clothes.

Coonerty has said the law would not outlaw dress codes or force employers to hire unkempt people over neat job applicants.

"If a business wants employees in suits and ties with well-groomed, natural-colored hair, this ordinance says it's OK," he wrote in a recent local editorial.

But critics charge that the language of the ordinance is too vague.

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### BIAS

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The provision allowing dress codes, for example, states that employers can set "standards for manner or style of dress or personal grooming when those standards are uniformly applied to a class of employees by an employer in furtherance of a reasonable business purpose."

Many critics wonder what "reasonable business purpose" means. They also wonder how to define such intangibles as height and weight.

Not included in the exceptions: body characteristics, such as tattoos.

The largest employer within the city limits, the Seaside Co., with 1,200 employees, refuses to hire people at its Beach Boardwalk amusement park who have visible tattoos because of image and potential gang problems.

"We have some real problems with interpretation and enforcement of this," said Ann Parker, a boardwalk spokeswoman.

Even some who support the ordinance are not sure what would be legal and what wouldn't.

Mayor Don Lane said he plans to introduce changes that would exempt tattoos and tighten wording with regard to dress codes.

"Does government have a compelling interest in protecting people with pierced tongues?" asked Lane. "I don't think so."

Coonerty said he hadn't thought of extreme cases such as body-piercing when he wrote the ordinance. A businessman himself, he said the primary objective was to protect women from discrimina-

tion, particularly because they often are the ones who are treated poorly because of weight or hair style.

Some small-business owners, worried about the potential of having to spend thousands of dollars to defend themselves in court, say the intent of the ordinance might work against itself.

"This will make employers have to think twice about running a help-wanted ad," said Joe Ferrara, co-owner of Atlantis Fantasyworld comic shop.

Ferrara, who voted for Coonerty, said employers might simply hire their friends rather than place themselves at risk.

"I have not met one business owner downtown who has come out in support of this," he said.

Another common complaint is that the ordinance could scare off new investment critical to downtown earthquake recovery.

"Our city is in dire need of attracting new business, not new causes," said Jo Ann Dlott, vice president for human resources at the Seaside Co.

Business owners have been making rounds, urging their peers to turn out at the council meeting. Others have threatened to leave town when their leases expire if the ordinance passes.

"It's kind of like the last straw," said John Lisher, president of the Chamber of Commerce. "You've kicked business around for 15 years and this is the *coup de grâce*."

### IF YOU'RE INTERESTED

The council will meet at 7 tonight in the Santa Cruz Civic Auditorium, 307 Church St.