

42 USC 2000e : Definitions

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From Title 42-THE PUBLIC HEALTH AND WELFARE
CHAPTER 21-CIVIL RIGHTS
SUBCHAPTER VI-EQUAL EMPLOYMENT OPPORTUNITIES

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§2000e. Definitions

For the purposes of this subchapter-

(a) The term "person" includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of title 5), or (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of title 26, except that during the first year after March 24, 1972, persons having fewer than twenty-five employees (and their agents) shall not be considered employers.

(c) The term "employment agency" means any person regularly undertaking with or 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.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) twenty-five or more during the first year after March 24, 1972, or (B) fifteen or more thereafter, and such labor organization-

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended [29 U.S.C. 151 et seq.], or the Railway Labor Act, as amended [45 U.S.C. 151 et seq.];

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer, except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office.

The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959 [29 U.S.C. 401 et seq.], and further includes any governmental industry, business, or activity.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act [43 U.S.C. 1331 et seq.].

(j) The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(k) The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 2000e-2(h) of this title shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: *Provided*, That nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

(l) The term "complaining party" means the Commission, the Attorney General, or a person who may bring an action or proceeding under this subchapter.

(m) The term "demonstrates" means meets the burdens of production and persuasion.

(n) The term "respondent" means an employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 2000e-16 of this title.

(Pub. L. 88-352, title VII, §701, July 2, 1964, 78 Stat. 253 ; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 662 ; Pub. L. 92-261, §2, Mar. 24, 1972, 86 Stat. 103 ; Pub. L. 95-555, §1, Oct. 31, 1978, 92 Stat. 2076 ; Pub. L. 95-598, title III, §330, Nov. 6, 1978, 92 Stat. 2679 ; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095 ; Pub. L. 102-166, title I, §§104, 109(a), Nov. 21, 1991, 105 Stat. 1074 , 1077.)

EDITORIAL NOTES

REFERENCES IN TEXT

The National Labor Relations Act, as amended, referred to in subsec. (e)(1), is act July 5, 1935, ch. 372, 49 Stat. 449 , which is classified generally to subchapter II (§151 et seq.) of chapter 7 of Title 29, Labor. For complete classification of this Act to the **Code**, see section 167 of Title 29 and Tables.

The Railway Labor Act, referred to in subsec. (e)(1), is act May 20, 1926, ch. 347, 44 Stat. 577 , which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the **Code**, see section 151 of Title 45 and Tables.

The Labor-Management Reporting and Disclosure Act of 1959, referred to in subsec. (h), is Pub. L. 86-257, Sept. 14, 1959, 73 Stat. 519 , which is classified principally to chapter 11 (§401 et seq.) of Title 29, Labor. For complete classification of this Act to the **Code**, see Short Title note set out under section 401 of Title 29 and Tables.

For definition of Canal Zone, referred to in subsec. (i), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

The Outer Continental Shelf Lands Act, referred to in subsec. (i), is act Aug. 7, 1953, ch. 345, 67 Stat. 462 , which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the **Code**, see Short Title note set out under section 1301 of Title 43 and Tables.

AMENDMENTS

1991-Subsec. (f). Pub. L. 102-166, §109(a), inserted at end "With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States."

Subsecs. (l) to (n). Pub. L. 102-166, §104, added subsecs. (l) to (n).

1986-Subsec. (b). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in

text.

1978-Subsec. (a). Pub. L. 95-598 substituted "trustees in cases under title 11" for "trustees in bankruptcy".

Subsec. (k). Pub. L. 95-555 added subsec. (k).

1972-Subsec. (a). Pub. L. 92-261, §2(1), included within "person" governments, governmental agencies, and political subdivisions.

Subsec. (b). Pub. L. 92-261, §2(2), substituted "fifteen or more employees" for "twenty-five or more employees", extended coverage to include State and local governments, excepted from coverage any department or agency of the District of Columbia subject by statute to procedures of the competitive service, as defined in section 2102 of title 5, and substituted provisions under which persons having fewer than twenty-five employees during the first year after March 24, 1972, were not to be considered employers, for provisions under which persons having fewer than a specified number of employees during the first year after the effective date of this section, and the second and third years after such date were not to be considered employers.

Subsec. (c). Pub. L. 92-261, §2(3), struck out from term "employment agency" exemption from coverage for agencies of the United States, States or political subdivisions of States, other than the United States Employment Service and the system of State and local employment services receiving Federal assistance.

Subsec. (e). Pub. L. 92-261, §2(4), substituted provisions which set forth the number of members for a labor organization to be deemed to be engaged in an industry affecting commerce as twenty-five or more during the first year after March 24, 1972, and fifteen or more thereafter, for provisions which set forth the number of members for a labor organization to be deemed to be engaged in an industry affecting commerce as one hundred or more during the first year after the effective date of this section, seventy-five or more during the second year after such date, fifty or more during the third year after such date, and twenty-five or more thereafter.

Subsec. (f). Pub. L. 92-261, §2(5), inserted provisions enumerating persons excepted from term "employee".

Subsec. (h). Pub. L. 92-261, §2(6), inserted ", and further includes any governmental industry, business, or activity" after "Labor-Management Reporting and Disclosure Act of 1959".

Subsec. (j). Pub. L. 92-261, §2(7), added subsec. (j).

1966-Subsec. (b). Pub. L. 89-554 struck out proviso which stated that it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin and directed the President to utilize his existing authority to effectuate this policy.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 104 of Pub. L. 102-166 effective Nov. 21, 1991, except as otherwise provided, see section 402 of Pub. L. 102-166, set out as a note under section 1981 of this title.

Pub. L. 102-166, title I, §109(c) Nov. 21, 1991, 105 Stat. 1078, provided that: "The amendments made by this section [amending this section and sections 2000e-1, 12111, and 12112 of this title] shall not apply with respect to conduct occurring before the date of the enactment of this Act [Nov. 21, 1991]."

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as Effective Date note preceding section 101 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1978 AMENDMENT; EXCEPTIONS TO APPLICATION

Pub. L. 95-555, §2, Oct. 31, 1978, 92 Stat. 2076, provided that:

"(a) Except as provided in subsection (b), the amendment made by this Act [amending this section] shall be effective on the date of enactment [Oct. 31, 1978].

"(b) The provisions of the amendment made by the first section of this Act [amending this section] shall not apply to any fringe benefit program or fund, or insurance program which is in effect on the date of enactment of this Act [Oct. 31, 1978] until 180 days after enactment of this Act."

EFFECTIVE DATE

Pub. L. 88-352, title VII, §716(a), (b), July 2, 1964, 78 Stat. 266, provided that:

"(a) This title [enacting this section and sections 2000e-1, 2000e-4, 2000e-7 to 2000e-15 of this title, and amending sections 2204 and 2205(a)(45) of former Title 5, Executive Departments and Government

Sec. 18.80.300. Definitions.

In this chapter,

ASCHR
Alaska State Commission for Human Rights

(1) "blockbusting" means an unlawful discriminatory practice by a real estate broker, real estate salesperson, or employee or agent of a broker or another individual, corporation, partnership, or organization for the purpose of inducing a real estate transaction from which any such person or its stockholders or members may benefit financially, to represent directly or indirectly that a change has occurred or will or may occur from a composition with respect to race, religion, color, or national origin of the owners or occupants of the block, neighborhood, or area in which the real property is located, and to represent directly or indirectly that this change may or will result in undesirable consequences in the block, neighborhood, or area in which the real property is located, including the lowering of property values, an increase in criminal or antisocial behavior, or decline in the quality of the schools or other facilities;

(2) "commission" means the State Commission for Human Rights;

(3) "complainant" means a person who is aggrieved by a discriminatory practice prohibited by this chapter and who has filed a complaint as provided in AS 18.80.100;

(4) "employee" means an individual employed by an employer but does not include an individual employed in the domestic service of any person;

(5) "employer" means a person, including the state and a political subdivision of the state, who has one or more employees in the state but does not include a club that is exclusively social, or a fraternal, charitable, educational, or religious association or corporation, if the club, association, or corporation is not organized for private profit;

(6) "employment agency" means a person undertaking to procure employees or opportunities to work;

(7) "executive director" means the executive director of the State Commission for Human Rights;

(8) "financial institution" means a commercial bank, trust company, mutual savings bank, cooperative bank, homestead association, mutual savings and loan association, or an insurance company;

(9) "labor organization" means an organization and an agent of the organization, for the purpose, in whole or in part, of collective bargaining, dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection of employees;

(10) "major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working;

(11) "national origin" includes ancestry;

(12) "pay" means wages; salaries; commissions; amounts an employer contributes to retirement, health, or other fringe benefit plans; and other forms of remuneration paid to an employee for personal services;

(13) "person" means one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies, or labor organizations;

(14) "physical or mental disability" means

(A) a physical or mental impairment that substantially limits one or more major life activities;

(B) a history of, or a misclassification as having, a mental or physical impairment that substantially limits one or more major life activities;

(C) having

(i) a physical or mental impairment that does not substantially limit a person's major life activities but that is treated by the person as constituting such a limitation;

(ii) a physical or mental impairment that substantially limits a person's major life activities only as a result of the attitudes of others toward the impairment; or

(iii) none of the impairments defined in this paragraph but being treated by others as having such an impairment; or

(D) a condition that may require the use of a prosthesis, special equipment for mobility, or service animal;

(15) "physical or mental impairment" means

(A) physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine;

(B) mental or psychological disorder, including intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities;

(16) "public accommodation" means a place that caters or offers its services, goods, or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company, and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;

(17) "real property" means a building or portion of a building, whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(18) "state" includes the University of Alaska and the judicial, legislative, and executive branches of state government including all departments, agencies, commissions, councils, boards, divisions, and

sections.

TITLE 5 EQUAL RIGHTS¹

Chapter 5.10 EQUAL RIGHTS COMMISSION²

5.10.010 Policy.

The public policy of the municipality is declared to be equal opportunity for all persons. The assembly finds that invidious discrimination in the sale or rental of real property, financing practices, employment practices, public accommodations, educational institutions, and practices of the municipality, based upon race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, adversely affects the welfare of the community. Accordingly, such discrimination is prohibited.

It is the express intent of this title to guarantee fair and equal treatment under law to all people of the municipality, consistent with federal and state constitutional freedoms and laws, including freedom of expression, freedom of association and the free exercise of religion.

(AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 1, 10-15-93; AO No. 2002-163, § 1, 1-7-03; AO No. 2015-96(S-1), § 1, 9-29-15)

5.10.015 Scope of coverage.

Title 5 shall be liberally construed to effectuate its goal of nondiscrimination.

(AO No. 2021-30(S) , § 1, 5-25-21)

5.10.020 Establishment.

Pursuant to the provisions of Charter section 17.02, there is established an equal rights commission of nine persons, which shall be known as the Anchorage Equal Rights Commission.

¹Cross reference(s)—Protection for whistleblowers, ch. 3.75; equal rights commission, § 4.40.080; municipal women's commission, § 4.60.210; equal employment opportunity contract compliance, ch. 7.50; disadvantaged and woman-owned business enterprises, ch. 7.60.

²Charter reference(s)—Equal rights, § 17.01; equal rights commission, § 17.02.

Cross reference(s)—Code of ethics, ch. 1.15; public meetings, ch. 1.25; boards and commissions, tit. 4.

State law reference(s)—Local human rights commission, AS 18.80.290.

5.10.030 Appointment of members.

The mayor shall appoint members of the equal rights commission, subject to confirmation by the assembly, to three-year terms. A member chosen to fill a vacancy other than by expiration of a term shall be appointed for the unexpired term of the member whom they are to succeed. A member of the commission shall be eligible for reappointment.

(AO No. 2002-163, § 1, 1-7-03; AO No. 2021-30(S), § 10, 5-25-21)

5.10.040 Powers and duties.

A. The equal rights commission is authorized to:

1. Develop programs designed to bring about the prevention and elimination of unlawful discrimination;
2. Investigate complaints of discrimination brought under this title;
3. Administer oaths and affirmations, certify its official acts, and issue subpoenas, subpoenas duces tecum, and other legal process to compel the attendance of witnesses and the production of testimony, books, records, papers, accounts, documents or things in any inquiry, investigation, hearing or proceeding before the commission; the commission may petition the superior court of the state having jurisdiction to enforce its subpoenas, subpoenas duces tecum, and other legal process;
4. Conduct exit interviews with parties to the commission proceedings;
5. Hold public hearings and issue orders under this title;
6. Grant all appropriate forms of relief as described in this title;
7. Intervene in any court proceeding brought under this title;
8. Enter into agreements with counterpart agencies at all governmental levels to promote effective and efficient enforcement of the law;
9. Review complaints of discriminatory acts and practices made to the commission and prioritize allocation of its staff and commission resources among complaints received in order to best fulfill the purposes of Charter Article XVII, Section 17. In prioritizing its investigatory and enforcement activities, the commission shall seek to eliminate unlawful discriminatory practices in the most cost efficient and effective manner possible;
10. Hire an executive director, subject to the approval of the mayor, who shall serve at the pleasure of the commission; and hire administrative staff as is required in the execution of its duties;
11. Exercise general supervision of and direct the activities of the executive director;
12. Delegate to the executive director all powers and duties given it by this title, except the powers to designate hearing panels and reconsideration panels, hold public hearings, issue orders, and hire the executive director;
13. Recommend to the mayor and assembly new legislation, and adopt such procedural and evidentiary rules as are necessary to fulfill the intent of this title; and
14. Provide an annual report to the mayor and assembly.

(CAC 2.64.330; AO No. 2002-87, § 1, 6-11-02; AO No. 2002-163, § 1, 1-7-03; AO No. 2006-128, § 3, 9-26-06; AO No. 2021-30(S), § 1, 5-25-21)

Cross reference(s)—Principal executive personnel, boards and commissions, § 1.35.010.

5.10.050 Standing committees.

The commission may establish such standing committees as the commission deems necessary to carry out its duties and responsibilities.

(AO No. 2002-87, § 2, 6-11-02; AO No. 2002-163, § 1, 1-7-03; AO No. 2006-128, § 2, 9-26-06)

5.10.060 Legal counsel.

- A. The municipal attorney is the legal counsel for the commission. The municipal attorney shall advise the commission in legal matters arising in the discharge of its duties, shall assist in the preparation and presentation of complaints to the commission, and shall represent the commission in legal actions to which it is a party.
- B. The commission may employ temporary legal counsel for proceedings before the commission and court actions involving the commission in which proceedings or actions the municipal attorney is representing another agency of the municipal government.

(AO No. 2021-30(S), § 1, 5-25-21)

Chapter 5.20 UNLAWFUL DISCRIMINATORY PRACTICES³

5.20.010 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accusation means the charging document, based on a substantial evidence determination, issued by the executive director after determination of conciliation failure under AMC 5.70.010B.

Age is not intended to conflict with the provisions of AS 23.10.325—23.10.370, or any other laws relating to the rights and activities of minors.

Amicus curiae means [Latin for "a] "friend of the court" in Latin. An amicus curiae brief is usually filed by one who has no standing to appear in a suit, but is interested in intervening to provide evidence, information or authority regarding a matter before the decision-making authority.

Blockbusting means any effort, for profit, to induce or attempt to induce a person to sell or rent a dwelling based on representations that a change has occurred, or will or may occur regarding the entry into a block, neighborhood or area, in which the real property is located, of a person or persons of a particular race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, or physical or mental disability, including but not limited to lower property values, an increase in criminal or antisocial behavior or decline in the quality of the schools or other facilities.

Chair means the duly elected chairperson of the Anchorage Equal Rights Commission, or in the absence of the chair, the vice-chairperson or other commissioner designated by the chair or the remaining members of the commission.

³Cross reference(s)—Personnel rules, ch. 3.30; business licenses and regulations, tit. 10; transportation, tit. 11.

Closure means a decision issued by the executive director or his or her designee, to not pursue and dismiss a complaint, pursuant to sections 5.60.020 and 5.60.060 under this title.

Commission means the volunteer Anchorage Equal Rights Commission (AERC) established in Charter section 17.02 and the members of the staff to whom the powers of the AERC are delegated, if applicable to those provisions.

Commissioner means one of the members of the Anchorage Equal Rights Commission (AERC).

Complainant means the person who files a complaint with AERC, alleging discrimination in violation of Anchorage Municipal Code title 5.

Complaint means the document that is filed with the AERC under section 5.40.010, alleging discrimination in violation of Anchorage Municipal Code title 5.

Conciliation means a process by which staff attempts to resolve a complaint by conferring and negotiating with the respondent after a determination of substantial evidence.

Determination means a written decision, prepared by staff and signed by the executive director, that is served on the parties at the conclusion of the investigation or processing of a complaint.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal or denial or any other act or practice of differentiation or preference in the treatment of a person because of actual or perceived race, color, religion, national origin, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability, or the aiding, abetting, inciting, coercing or compelling thereof.

Educational institution means any day care center, nursery, kindergarten, elementary or secondary school, academy, college, university, extension course, or nursing, secretarial, business, vocational, technical, trade or professional school.

Employee means an individual employed by an employer, but does not include an individual employed in the domestic service of any person.

Employer means a person, public or private, who has one or more employees.

Employment agency means any person undertaking to procure employees or to procure for employees' opportunities to work.

Executive director means the executive director of the AERC or his or her designee.

Fact finding conference is an initial meeting where evidence is produced and the complaint is discussed with the parties, and is held approximately 30 days after service of the complaint, unless waived as specified in section 5.50.040 under this title.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Financial institution means commercial banks, trust companies, mutual savings banks, cooperative banks, homestead associations, credit unions, bonding companies, surety companies or other commercial institutions which extend secured or unsecured credit or offer insurance.

Gender identity means the gender with which a person identifies, and also includes the person's appearance, mannerisms, behavior, expression, or other characteristics of the person that are or are perceived to be related to gender, regardless of the individual's designated sex at birth or identified in documents.

Hearing or public hearing means an administrative adjudication held pursuant to chapter 5.70.

Hearing examiner means the person appointed by the hearing panel pursuant to section 5.70.040.

Hearing panel means the commissioners designated by the chair to either conduct a public hearing or to appoint a hearing examiner pursuant to sections 5.70.020 and 5.70.040.

Labor organization means any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

Make whole means a remedy intended to eliminate a continuing unlawful discriminatory practice or the discriminatory effect of any past unlawful discriminatory act or practice, and may include actual damages, injunctive and equitable relief as specified in this title.

Marital status means any differential treatment because of a person's marital status or change in marital status. This includes differential treatment shown toward a person because the person is unmarried, married, widowed, divorced, an unmarried parent, or is pregnant and unmarried.

National origin includes birthplace, ancestry, culture, ethnicity, accent, or linguistic characteristics, or appearing to be a certain ethnic background, even if they are not.

Order means a decision made by the commission constituting a final administrative order at the completion of a public hearing pursuant to chapter 5.70, or an order on reconsideration pursuant to subsection 5.60.030F.

Party or parties means the complainant, respondent, intervener, amicus curiae and/or executive director.

Person means one or more individuals, landlords, owners, lessors, managers, real estate brokers or agents, real estate salespeople, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, employees, employers, employment agencies, labor organizations, joint apprenticeship committees or other legal or commercial entities, or successors to any of the preceding.

Physical or mental disability means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
2. A history of, or a misclassification as, having a physical or mental impairment that substantially limits one or more major life activities; or
3. Having:
 - a. A physical or mental impairment that does not substantially limit a person's major life activities but that is treated by the covered entity as constituting such a limitation;
 - b. A physical or mental impairment that substantially limits a person's major life activities only as the result of the attitudes of others towards the impairment; or
 - c. None of the impairments defined in this subsection but being treated by others as having such an impairment.

Physical or mental impairment means:

1. A physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine;

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2. A mental or physiological disorder, including mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

Pre-determination settlement means a process by which staff assists the parties to resolve a complaint prior to a determination on the merits of a complaint.

Public accommodation means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, (1) whose goods, services, facilities, privileges, advantages or accommodations are made available to the general public, or (2) that accepts public funds with non-discrimination contractual requirements.

Real property means a housing accommodation, unimproved property, vacant land offered or intended for the construction or location of housing accommodations, a building or a portion of a building, whether constructed or to be constructed, structures, real estate, lands, tenements, leaseholds, interest in real estate cooperatives, condominiums and hereditaments, corporeal and incorporeal, or any interest therein, or a trailer park.

Reconsideration panel means the commissioners designated by the chair of the commission to review an investigative case file pursuant to subsection 5.60.030D. under this title.

Respondent means the person against whom a complaint is made and may include any entity listed in Anchorage Municipal Code section 5.20.010, definition of Person.

Request for essential information is served with the complaint on the respondent and commences the investigation into the allegations of the complaint.

Sex discrimination means differential or preferential treatment shown toward a person because of one's sex, pregnancy or parenthood.

Sexual orientation means actual or perceived heterosexuality, homosexuality, bisexuality, or asexuality.

Staff means those paid employees who assist the executive director in carrying out the provisions of Anchorage Municipal Code Title 5.

Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Unlawful discriminatory act or practice means an act or practice prohibited by Anchorage Municipal Code chapter 5.20.

(AO No. 92-116(S); AO No. 93-99; AO No. 93-149, § 2, 10-15-93; AO No. 96-99, § 1, 10-22-96; AO No. 2002-163, § 2, 1-7-03; AO No. 2015-96(S-1), § 2, 9-29-15 ; AO No. 2021-30(S) , § 2, 5-25-21)

Cross reference(s)—Definitions and rules of construction generally, § 1.05.020.

5.20.020 Unlawful practices in the sale, rental or use of real property.

- A. It is unlawful for the owner, lessor, manager, agent, brokerage service, or other person having the right to sell, lease, rent, advertise, or an owner's association having the powers of governance and operation of real property to:
 1. Refuse to sell, lease or rent, or to otherwise make unavailable, the real property to a person because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, familial status, or physical or mental disability.
 2. Discriminate against a person because of race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, age, familial status, or physical or mental disability in a term, condition or privilege relating to the use, sale, lease or rental of real property.