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Report to the City Council on the Elimination of Discrimination Against Women

Follow up to City Resolution 141045

Kansas City, Missouri, January 12, 2021

Report on the Elimination of Discrimination Against Women

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Human Rights are local. They are visible in how people are treated in their communities: in education, housing, workplace, neighborhoods. Women experience significant and targeted discrimination in these domains, due to history, culture, and social norms. Women of Color and minority women in all underrepresented groups including the disabled and the elderly, experience higher levels of discrimination. The Women’s Equality Coalition and our collaborators seek to address these discrepancies and discriminatory practices, by offering a status report and suggestions for improvement. Cities are active places, where change can happen. Therefore, we seek to present recommendations for standards and practices which will make lives better and fairer for women and their families. Our specific focus is on workplace inequities, personal and public safety, and civic participation, where women should be represented more inclusively and equitably. Cities for the Elimination of all forms of Discrimination Against Women (CEDAW) is an ideal framework and model for improvement.

Kansas City’s response to the national Cities for CEDAW movement started when our City passed Resolution No. 141045, December 11, 2014. This action committed the City to support a plan to examine these national principles and move KCMO toward the goal of eliminating discrimination in all forms against women. The national principles have been identified and circulated widely. Some 20+ cities across the nation have met the standard and a larger number like KCMO are on the path to accomplishing them. The standards of CEDAW provide the structural format for our work. We have adapted them to our current policies and practices and have added identified goals not apparent a decade ago when the standards were set. An Oversight Committee will be needed to monitor and update an action plan. Appendix A <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

Our overarching recommendation to the City Council is to follow up on the 2014 Resolution to commit Kansas City to the standards set forth in the Cities for the Elimination of Discrimination Against Women by passing an Ordinance agreeing to the continuation of the work stated in this report.

- **In addition to the passage of this Ordinance, the establishment of a Women’s Commission charged with the purpose to oversee and identify areas where discrimination against women in any form exists in the City and its services.**
- **A Women’s Commission would provide the oversight needed to review and report on all the areas of needed action. The Commission would be comprised of one representative from the following women’s organization: American Association of University Women, , Alpha Kappa Alpha, Coalition of Labor Union Women, Delta Sigma Theta, Greater Kansas City Women’s Political Caucus, Hispanic Women, League of Women Voters, National Association for the Advancement of Colored People-Women’s Council, National Association of Women Business Owners, Metropolitan Community College, Stand UP KC, University of Missouri-Kansas City United WE, and the United Nations Association-Women’s Council.**

- The duties of the Women’s Commission will be to monitor and promote the actions stated in each section of this report. Quarterly Reports will be submitted to the Mayor and City Council.

I. CITIES FOR THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

A. City Council unanimously passed Resolution 141045 supporting the goals of Elimination of Discrimination Against Women (CEDAW) on December 2014. The following year Kansas City Mayor James signed in support of the 2015 US Council of Mayors CEDAW Resolution. In the fall of 2020 Mayor Quinton Lucas met with United WE (formerly Women’s Foundation) and committed to increase the number of women appointed to Boards and Commissions.

Action: An Ordinance committing Kansas City to the elimination of discrimination against women needs to be codified in the City Administrative Code.

B. City Council needs to commit to passing an Ordinance supporting CEDAW and implementation of the steps to eliminate all forms of discrimination against women. **Action: The City needs to pass an Ordinance mandating the City to commit to develop and monitor a plan to meet the standards established in the Cities for CEDAW national benchmarks.**

II. WOMEN IN DECISION MAKING ROLES

A. As of April 2020 there were 11 women out of 22 Department Heads and Assistant City Managers. **Parity achieved.**

B. Six out of 12 City Council Members are women. **Parity achieved.**

C. In 2019, 41% of members of City Boards and Commissions were women (347) per United WE. However, according to the City Auditor’s Report of October 2020 fewer than half of the Boards and Commissions were current regarding member expirations and vacancies.

Action: Accountability plan is needed to fill vacancies and achieve parity with a deadline cited. This plan should include United WE Appointments Project strategies and recommendations.

III. PAY EQUITY

A. Eliminate disparities in pay and move toward pay equity in all City positions. City Manager (2019) approved a contract for \$75,000 to conduct a Gender Study that the Women’s Equality Coalition had been lobbying for since 2015. The Gender Study contract was awarded to Segal in the fall of 2019. This Study was designed in part to examine the City workforce and to identify where salary disparity existed between men and women in the same job codes with the same education, experience, skills, and value. This report is overdue. **Action: Segal Report needs to be received, analyzed and remedies recommended where disparity exists.**

B. City Council eliminated the use of salary history in the City workforce by Resolution 180519 and later passed a citywide Ordinance 190389 eliminating the use of salary history in the hiring process for all employees. This has led to similar state legislation being introduced by two state elected representatives in the State House and Senate. **Action: Implementation of an education plan for job seekers, human resource professionals, and attorneys. Establish a process to refer complaints to the Kansas City Human Rights Commission.**

C. Review of contracts that meet WMB standards/percentages and accountability. The Human Relations Department is doing an admirable job overseeing the certification of WMBEs, the approval process, and staffing the Fairness in Construction Board overseeing compliance, and handling discrimination complaints. Both this Board and the Professional Goods and Services Board lack sufficient representation of women. **Action: More women need to be appointed to these Boards. A plan for accountability needs to be established.**

IV. GENDER IN THE WORKPLACE POLICIES

A. Reduce gender dominance in the workforce. In 2019 the City Manager approved a contract with Segal for a Gender Study of the City workforce. The Segal report is months overdue. The findings are needed to identify the areas for remedial action and to create the list of departments where gender parity is needed. **Action: Review the Segal report and have departments create a plan to achieve goals to eliminate pay disparity in a specified timeframe. Appendix B**

B. Gather data by Department on gender identification: Evaluate the findings of the Gender Study, analyze, and make recommendations. **Action: Develop a methodology for capturing LGBTQA data to respond to the needs of these populations.**

C. Review of how the City accommodates employees with pregnancy-related conditions that may be considered “disabilities” within the Americans with Disabilities Amendments Act of 2008 (ADAA). A review of the City 5-08-15 Reasonable Accommodations for Employees/Applicants with Disabilities Report (AR NO1-18) did not find pregnancy-related conditions addressed. **Action: Review the most current internal/external ADA audits and established strategies to best accommodate qualified employees and applicants within a “broadened” definition of disability per the ADAA of 2008.**

D. Elimination of discrimination experienced by employees in the workforce has had a significant financial consequence to the City budget and taxpayers. Based on just one law firm’s employment discrimination cases (Bratcher Gockel vs. KCMO) the total cost to the City budget was \$2,263,535.90 with an average case cost of \$282,941.99. **Action: Advance training for all managers and supervisors on signs and symptoms of workplace discrimination in the workplace. Appendix C**

E. Review of family friendly policies found in Kansas City's Paid /Parental Leave meets a high standard and should be replicated in other municipalities in Missouri. Accommodations for nursing mothers covered in the HR Rules and Policies Section 9 details the process, time, and location for both non-exempt and exempt employees. Although the City does not have onsite childcare, it does provide Flexible Spending Accounts for Dependent Care allowing employees to contribute pre-tax dollars to an account to pay for day care expenses. **Meets High Standard.**

F. Review of the Health Department women's health resources noted a wide range of services for women and children including Family Health Education, injury prevention programs, and the Nurse Visit Partnership program. The KC Health Department serves as a site for the Women, Infants and Children (WIC program). Its outreach is notable. **Meets High Standard.**

V. PROTECTION, SAFETY AND PREVENTION OF DISCRIMINATION

A. Kansas City needs to have local control of the Kansas City Police Department to be fully responsive and accountable to the safety and protection of women, children, transgender and LGBTQA parties. **Action: Local control needs to be achieved.**

B. Fire Department needs to implement the Six Point Plan as directed by the City Manager regarding the discriminatory practices that are pervasive in the Department (KC STAR, December 11, 2020). The Fire Department has an 88% male workforce. It is the most gender dominant department in the City. The City Human Resources Department would benefit from a strengthened EEOC process. **Action: Gender disparity needs to be addressed as well as racial disparity along with employment discrimination if it is not already in the plan.**

C. Prevention and safety are tools available to the community. City Planning and Development needs to clarify where the implementation of the Crime Prevention Through Environmental Design (CPTED) program is part of the City development review process. Education and training have been provided by the City Planning and Development Department. **Action: CPTED should be codified in a formal policy for the Development Management Division as part of the review standards for housing and commercial development to enhance women and girls' safety in the community.**

D. The City Council passed Ordinances protecting the safety of women in 2019. Ordinance 180516 enables women in cases of harassment, rape, domestic, or sexual assault to break their leases and relocate. This led to the passage of a similar statute at the state level. Ordinance 190034 the Tenants' Rights and Fair Housing Ordinance protects the rights of women and their families. **Action: Define who is tracking and receiving complaints.**

E. Prevention of sexual assault and domestic violence is addressed in the City Neighborhoods and Housing Services Department in City Resolution 200310. Although these recommendations

were driven by consequences of the COVID 19 epidemic to this population, the remedies address the past and as well as the present. **Action: Quarterly status report to the City Council. When established, the Women’s Commission would be charged with follow-up.**

Appendix D

F. The Municipal Court (and Circuit Court) role in domestic violence cases are central to identifying the size and scope of the problem. Accountability to the public is not readily available. **Action: A report to the City Council identifying the numbers of cases by type, by charge and the subsequent actions taken. The Women’s Commission should be charged with follow-up.**

G. Kansas City must fund efforts to organize and evaluate alternative avenues for justice that are not related to the criminal justice system. Victims of violence currently have no city funded or city sanctioned access to restorative justice or transformative justice programming. Currently, a victim’s route for justice is limited to reporting the violent crime to law enforcement or consulting with a plaintiff’s attorney to file a civil suit. **Action: City needs to work with relevant agencies to create a restorative process for victims who voluntarily opt for that approach.**

Appendix A. <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

Appendix B. Department workforce gender balance (1) and Citywide gender balance (2)

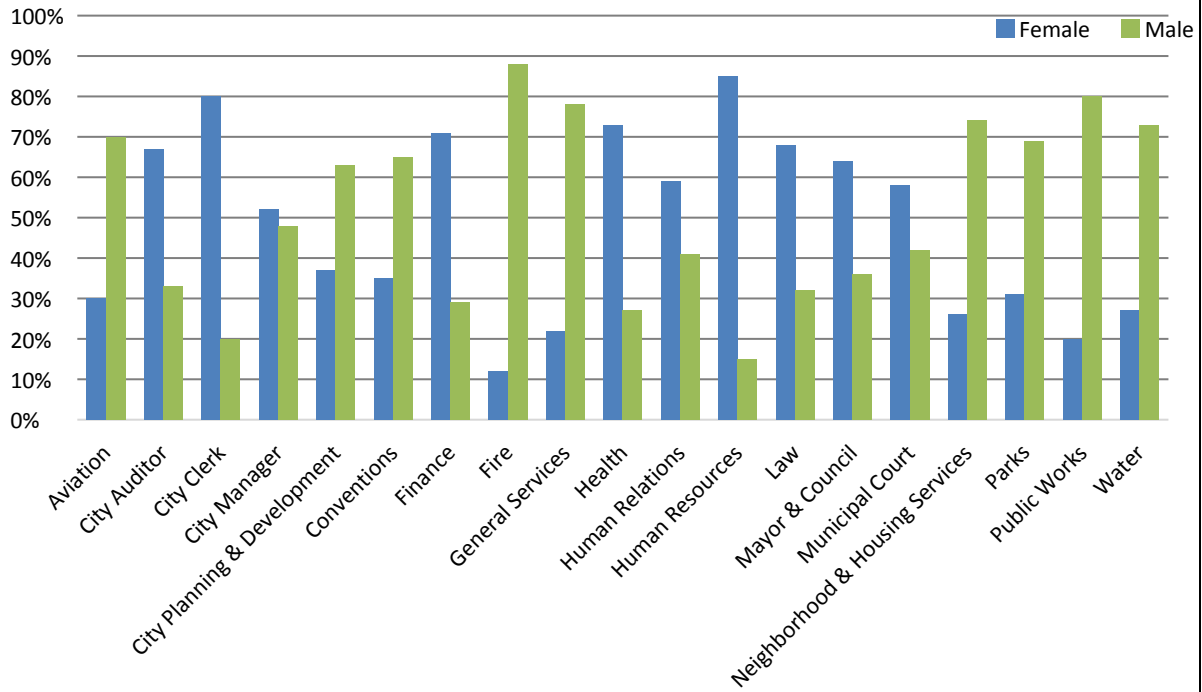
Appendix C. Lawsuits settlements cost identified by Bratcher Gockel vs KCMO (communication December 23, 2020)

Appendix D. Interdepartmental Communication between Interim City Manager and Assistant City Manager, May 20, 2020

Appendix B

Gender Percentages for KCMO Staff by Department

(data provided by Human Resources 12/14/2020)



Total Number of Women and Men on KCMO Staff

(data provided by Human Resources 12/14/2020)

