

Urbana Municipal Code

Chapter 2: Administration

Sec. 2-119. Discrimination in employment by contractors and vendors with the city.

(a) Purpose and declaration of policy. The denial of equal employment opportunity because of race, color, religion, sex or national origin in connection with the expenditure of public moneys denies federal and state constitutional rights, deprives citizens of earnings necessary to maintain a reasonable standard of living, excludes citizens from rightful participation in the benefits of public expenditures and contributes to urban violence and decay. It is therefore the policy of the city to remove present effects of past discrimination and henceforth to guarantee and affirmatively provide for all citizens equal employment opportunity.

(b) Contractors, vendors, financial institutions. The city shall not contract with any contractor, purchase goods or services from any vendor, or maintain any financial relations with any financial institution, which does not first submit to the city commission on human relations a written commitment through an affirmative action program to remove the present effects of past discrimination and to guarantee and affirmatively provide equal opportunity. Such commitment must:

- (1) Set out and agree to maintain specific employment practices and policies sufficient to achieve equal opportunity;
- (2) Set out specific goals for minority participation in performance of any contract with the city;
- (3) Agree to submit to the human relations commission, upon request, written evidence of the effectiveness of the above-required practices, policies and goals;
- (4) Agree to submit to the human relations commission, upon request, statistical data concerning employee composition on race, color, job description and compensation;
- (5) Agree to distribute copies of the above commitment to all persons who participate in recruitment, screening, referral and selection of job applicants or prospective job applicants;
- (6) Agree not to employ or otherwise use the services of any labor organization or employee thereof until such labor organization first submits to the chairperson of the human relations commission a written commitment which contains the provisions required by subsections (b)(1) through (b)(5) above;
- (7) Agree not to contract with any subcontractor until such subcontractor first submits to the chairperson of the human relations commission a written commitment which contains the provisions required by subsections (b)(1) through (b)(5) above.

(c) Administration, appeal.

- (1) This section shall be administered by the commission on human relations under the direction of the mayor.
- (2) Administration shall consist, among other things, in:

- a. Determining whether the terms of an affirmative action program comply with the provisions of this section;
- b. Determining whether the performance of an affirmative action program complies with the provisions of this section;
- c. Certifying to the mayor that a person covered by this section is or is not in compliance with its terms;
- d. Securing and analyzing reports and statistical data requested of persons covered by this section.

(3) The commission on human relations chairperson shall inform a noncomplying person of the nature and extent of noncompliance. If the noncompliance persists, the chairperson of the human relations commission, the mayor and the noncomplying person shall together examine the charges of noncompliance and, if the mayor concurs in the findings of noncompliance, the noncomplying person shall be ineligible to contract with, sell materials or services to, or maintain financial relations with the city. Noncompliance by a person already under contract shall be deemed a material breach of contract.

(4) Any person held ineligible under subsection (c)(3) above or the human relations commission, if not in concurrence with the ruling of the mayor, may appeal in writing to the city council, provided such appeal is filed with the city clerk at least five (5) days prior to the council meeting at which such appeal will be considered. The city council, on the basis of written appeal and of the report of the mayor, shall affirm, amend or reverse the action of the mayor.

(d) Definitions. For the purpose of this section:

Contractor shall mean any person who contracts with the city for the construction, rehabilitation, alteration, conversion, demolition or repair of buildings, highways or other improvements to real property in a total amount greater than twenty-five thousand dollars (\$25,000.00). This definition will include subcontractors that contract with contractors. Suppliers of only materials to the contractor shall not be considered to be a subcontractor for this purpose.

Employment practices shall mean practices relating to employment as they affect employment recruiting, referral, screening, selection, training, apprenticeships, compensation, placement, promotion, working conditions, seniority, layoffs and terminations.

Labor organizations shall include any organization or labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, including apprenticeships or applications for apprenticeships.

Vendor means any person who sells goods or services to the city in non-construction contracts and any financial depository in which the city deposits funds in a total amount greater than thirty thousand dollars (\$30,000.00).

(e) All contracts for purchases entered into by the city, except as excluded by this section, shall include the city policy as contained in subsection (a).

(f) This section shall not be applicable to the following contracts:

(1) Individual contracts not exceeding the purchasing limit as specified in subsection (d), unless the contracting entity has accumulated greater than an amount which exceeds the purchasing limit in individual contracts with the city in that fiscal year, in which case the contracting entity shall comply with provisions of this section.

(2) Contracts or options for the purchase or sale of all or any interest in real estate, any lease to which the city is a party, or for the development or annexation of real estate.

(3) Collective bargaining and employment contracts.

(4) Contracts for the purchase of certain goods and services which can only be made from a single source (for example utilities).

(5) Contracts with entities that the human relations officer and human relations commission determines have met similar affirmative action requirements of other governmental entities.

(6) Contracts with contracting entities which employ only owners or owners' relatives, or which employ less than three (3) persons to work as employees.

(Code 1975, § 2.70; Ord. No. 2006-02-015, §§ 2, 3, 4-17-06)

Cross reference(s)--Human rights generally, Ch. 12.

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