

ORDINANCE NO. 2011-O- 23

AN ORDINANCE ESTABLISHING AN EQUAL EMPLOYMENT POLICY  
INCLUDING PROVISIONS TO BENEFIT INDIVIDUALS WITH DISABILITIES

WHEREAS, the City of Marshall, Illinois desires to assure equal opportunity to all individuals, regardless of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service, to avail themselves of gainful employment opportunity; and

WHEREAS, the City of Marshall, Illinois has determined that the passage of an ordinance promoting equal employment opportunity is an effective method of providing gainful employment to minority, elderly, women, and persons with disabilities desiring employment with the City of Marshall, Illinois.

BE IT THEREFORE RESOLVED AS FOLLOWS: for the purpose of this ordinance, the term "minority" will refer to American Indians, Asians, Blacks, or Hispanics, or to such protected classes as youth, elderly, women, or persons with disabilities.

- A. The City of Marshall hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:
1. Title VI of the Civil Rights Act of 1964 which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.
  2. Title VII of the Civil Rights Act of 1964 which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.
  3. Title IX of the Education Amendments of 1972 which prohibits discrimination in federally assisted education programs.
  4. The Equal Pay Act of 1963 which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.
  5. The Age Discrimination Act of 1967 which prohibits discrimination because of age against anyone between the ages of 40 and 65.
  6. Federal Executive Order 11246 which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

7. Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32 which prohibits any discrimination based on disability.
  8. Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32 which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subject to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.
  9. Chapter 68, Article I, Section 17-19 of the Illinois Constitution which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.
  10. The Americans with Disabilities Act of 1990 which with disabilities on the basis of their disability.
  11. Illinois Human Rights Act (775 ILCS 5) which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.
- B. The City of Marshall will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.
- C. The City of Marshall will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.
- D. The City of Marshall will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remains in effect, which is paid in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":
1. In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department , the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or

in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
- b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
- c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
- d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
- e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.

- f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department's Rules and Regulations.
  - g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.
- E. The City of Marshall assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.
  - F. Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the City of Marshall as well as surrounding areas.
  - G. The City of Marshall will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.
  - H. All City of Marshall employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out City program activities.
  - I. The City of Marshall designates the Mayor and City Council to carry out the EEO/AA plan.
  - J. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

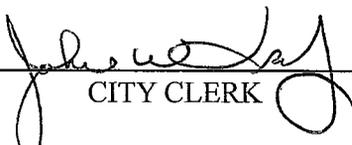
	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Beverly K. Church	✓		
Terry Clatfelter	✓		
John D. Ferris	✓		
Warren J. Le Fever	✓		
James McKittrick	✓		
Cheryl A. Raisner	✓		
Tim J. Sanders	✓		
James White	✓		

PASSED this 12<sup>th</sup> day of September, 2011.

APPROVED this 12 day of September, 2011.

  
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 MAYOR

ATTESTED, filed in my office,  
 and published in pamphlet form  
 this 12 day of September, 2011.

  
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 CITY CLERK

(SEAL)