

AN ORDINANCE

**AMENDING CHAPTER 12 OF TITLE I
OF THE EVANSTON CITY CODE
RELATING TO FAIR EMPLOYMENT PRACTICES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON,
COOK COUNTY, ILLINOIS:

SECTION 1: That Section 1-12-3 of the Evanston City Code, 1979, as amended,
is hereby further amended as follows:

1-12-3: **DEFINITIONS:** For the purpose of this Chapter:

AGE: "Age" for the purposes of this Chapter shall be limited to any individual who is at least forty (40) years of age but less than sixty-five (65) years of age.

CITY MANAGER: The City Manager of Evanston, or his agent.

COMMISSION: The Human Relations Commission of Evanston.

CONTRACT: Any contract, purchase order, lease or other agreement or understanding, written or otherwise, between the City or any agent thereof and any other person, for the procurement of any thing or service of value, such as, for example, any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the City; and further, means any loan or grant by the City from which such a contract, purchase order, lease or other agreement or understanding may be financed in whole or in part.

CONTRACTOR: Any person seeking or procuring a written contract with the City or with any of its agencies involving the sale of service, materials or equipment to the City or to any of its agencies.

DISCRIMINATION: Any difference or distinction in treatment to the prejudice of any individual with respect to hiring, selection, apprenticeship, training tenure, compensation, promotion, termination or any other term, condition or privilege of employment because of race, color, religion, national origin, sex, sexual orientation, marital status, age, nature of SPN classification number appearing on a military discharge or physical or mental disabilities that do not impair ability to work (except in the case of sex or age on the basis of a bona fide occupational qualification and except for limitations imposed by the City retirement system or by any statutory requirement imposing age limitations), or because of any charge, complaint, action, grievance or appeal brought under the provisions of this Chapter.

- SEXUAL ORIENTATION:** Having or perceived as having emotional, physical, or sexual attachment to another without regard to the sex of that person or having or being perceived as having an orientation for such an attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
- SUBCONTRACTOR:** Any person who performs any service or supplies any material or equipment covered by a contractor's contract with the City.
- VENDOR:** A person who sells any service, material or thing to the City. (Ord. 55-O-89)

SECTION 2: That Section 1-12-5 of the Evanston City Code, 1979, as amended,

is hereby further amended as follows:

1-12-5: PUBLIC CONTRACTS: All contracts, contract specifications, purchase orders, leases or other agreements or understandings between the City or any agent of the City and any other individual, bidder, contractor, government, governmental entity or agency, political subdivision, municipal corporation, proprietorship, partnership, association, corporation, mutual company, joint-stock company, unincorporated organization, legal representative, trust, trustee, receiver, trustee in bankruptcy or any other legal or commercial entity, shall be deemed to include as a part thereof, whether or not such contract is in writing and regardless of whether said clause is physically incorporated therein or is included therein by reference to this Chapter, the following equal employment opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

In the event of the contractor's noncompliance with any provision of this Equal Employment Opportunity clause, the Illinois Human Rights Act or the Illinois Department of Human Rights' Rules and Regulations for Public Contracts, the contractor may be declared nonresponsible and therefor 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 such 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 it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, or age or physical or mental disabilities that do not impair ability to work, and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.

- (B) That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- (C) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, or disability.
- (D) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Illinois Department of Human Rights' Rules and Regulations for Public Contracts. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Illinois Department of Human Rights and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- (E) That it will submit reports as required by the Illinois Department of Human Rights' Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Illinois Department of Human Rights or the contracting agency, and in all respects comply with the Illinois Human Rights Act and the Illinois Department of Human Rights' Rules and Regulations for Public Contracts.
- (F) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency, the City Manager, the Commission and the Illinois Department of Human Rights for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Illinois Department of Human Rights' Rules and Regulations for Public Contracts.
- (G) That it will include verbatim or by reference the provisions of subsections (A) through (G) of this clause in every performance subcontract as defined in section 750.30 of the Illinois Department of Human Rights' Rules and Regulations for Public Contracts so that such provisions will be binding upon every such subcontractor; and that it will also so include the provisions of subsections (A), (E), (F) and (G) in every supply subcontract as defined in section 750.30 of the Illinois Department of Human Rights' Rules and Regulations for Public Contracts so that such provisions will be binding upon every such 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 all its subcontractors; and further it will promptly notify the contracting agency and the Illinois Department of Human Rights in the event any subcontractor fails or refuses to comply therewith. In addition, no contractor will utilize any subcontractor declared by the Illinois Human Rights Commission to be nonresponsible and therefore ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations. (Ord. 55-O-89).

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 22, 1998

Adopted: July 13, 1998

Approved: July 14, 1998

Lorraine A. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel