

CITY OF SUMNER, ILLINOIS

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ORDINANCE NO. 599

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

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ENACTED BY THE  
CITY COUNCIL  
CITY OF SUMNER, ILLINOIS  
THIS 6<sup>th</sup> DAY OF DECEMBER, 2011

ORDINANCE NO. 599

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

WHEREAS, the City of Sumner, Illinois (City) 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, military status or an unfavorable discharge from military service, to avail themselves of gainful employment opportunity; and

WHEREAS, the City 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 Sumner, Illinois.

BE IT THEREFORE ORDAINED 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 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 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 will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a patter 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 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 works 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 contract 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.

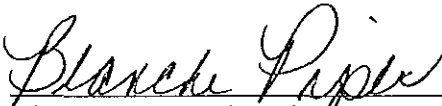
- f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department's Rules and Regulations.
  - g) That he or she will include verbatim 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 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 as well as surrounding areas.
  - G. The City will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.
  - H. All City employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Village/City program activities.
  - I. The City designates the Mayor and City Council to carry out the EEO/AA plan.
  - J. This Ordinance shall be in full force and effect on the first day of the month following its passage and publication as provided by law.

Passed this 6<sup>th</sup> day of December, 2011

Ayes: 6 Nays: 0 Absent: 0 Abstain: 0

Approved: Larry B. Stoltz  
 Larry Stoltz, Mayor

Attest:

  
Blanche Piper, City Clerk

STATE OF ILLINOIS

COUNTY OF LAWRENCE

**CERTIFICATE OF PUBLICATION**

I, Blanche Piper, certify that I am the duly elected and acting municipal clerk of the City of Sumner, Illinois. I further certify that on December 6<sup>th</sup>, 2011, the corporate authorities of said municipality passed and approved "An Ordinance Establishing An Equal Employment Policy Including Provisions to Benefit Individuals with Disabilities," which provided by its terms that it should be published in accordance with applicable law. The pamphlet form of said Ordinance was prepared and a copy of said Ordinance posted in the City Hall commencing on the 6<sup>th</sup> day of December, 2011, and continuing for at least ten (10) days thereafter. Copies of said Ordinance were also available for public inspection upon request in the office of the City Clerk.

Dated at Sumner, Illinois, this 6<sup>th</sup> day of December, 2011.

Blanche Piper  
Blanche Piper, City Clerk, City of Sumner, Illinois

(SEAL)