



Legislation Details (With Text)

File #: 36142 **Version:** 1 **Name:** Affirmative Action-exempt status & job postings
Type: Ordinance **Status:** Passed
File created: 11/11/2014 **In control:** AFFIRMATIVE ACTION COMMISSION
On agenda: 1/6/2015 **Final action:** 1/6/2015
Enactment date: 1/15/2015 **Enactment #:** ORD-15-00005

Title: Amending Sections 39.02(9)(e)2. and 39.02(9)(c) of the Madison General Ordinances to amend Article IV of the Affirmative Action Articles of Agreement regarding exempt status, and to require job posting information to be provided in a timely manner.

Sponsors: Joseph R. Clausius

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/6/2015	1	COMMON COUNCIL	Adopt	Pass
12/9/2014	1	AFFIRMATIVE ACTION COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
11/18/2014	1	COMMON COUNCIL	Referred	Pass
11/11/2014	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

No appropriation is required.

Title

Amending Sections 39.02(9)(e)2. and 39.02(9)(c) of the Madison General Ordinances to amend Article IV of the Affirmative Action Articles of Agreement regarding exempt status, and to require job posting information to be provided in a timely manner.

Body

DRAFTER'S ANALYSIS: This ordinance amends Article IV of the Articles of Agreement which provide the mandatory affirmative action contract language for applicable city contracts. This amendment creates two new options for contractors to select to indicate if they are exempt from having to file an affirmative action plan, which will eliminate confusion for contractors and city staff reviewing contracts for compliance. This ordinance also adds a timeliness requirement to the job posting requirement so that contractors notify the city of job openings with enough time for the city to make referrals.

The Common Council of the City of Madison do hereby ordain as follows:

- Article IV of Paragraph 2. entitled "Contract Conditions" of Subdivision (e) entitled "Compliance Requirements" of Subsection (9) entitled "Contract Compliance Provisions" of Section 39.02 entitled "Affirmative Action Ordinance" of the Madison General Ordinances is amended to read as follows:

"ARTICLE IV

(This article applies only to non-public works contracts.)

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison including the contract compliance requirements. The contractor warrants and certifies that, one of the following ~~two~~ paragraphs, ~~paragraph A or B~~ is true (check one):

- It has prepared and has on file an affirmative action plan that meets the format requirements of

Federal Revised Order No. 4, 41 CFR part 60-2, as established by 43 FR 51400 November 3, 1978, including appendices required by City of Madison ordinances or it has prepared and has on file a model affirmative action plan approved by the Madison Common Council.

- B. Within thirty (30) days after the effective date of this contract, it will complete an affirmative action plan that meets the format requirements of Federal Revised Order No. 4, 41 CFR Part 60-2, as established by 43 FR 51400, November 3, 1978, including appendices required by City of Madison ordinance or within thirty (30) days after the effective date of this contract, it will complete a model affirmative action plan approved by the Madison Common Council.
- C. Contractor believes it is exempt from filing an Affirmative Action Plan because it has fewer than fifteen (15) employees and has filed, or will file within thirty (30) days after the effective date of this Contract, a form required by the City to confirm exempt status based on number of employees. If the City determines that Contractor is not exempt, the Articles of Agreement will apply.
- D. Contractor believes it is exempt from filing an Affirmative Action Plan because its annual aggregate business with the City for the calendar year in which the contract takes effect is less than twenty-five thousand dollars (\$25,000), or for another reason listed in Sec. 39.02(9)(a)2. If the City determines that Contractor is not exempt, the Articles of Agreement will apply.”

2. Subdivision (c) of Subsection (9) entitled “Contract Compliance Provisions” of Section 39.02 entitled “Affirmative Action Ordinance” of the Madison General Ordinances is amended to read as follows:

“(c) Every contract to which the City of Madison is a party, except those exempted by Sec. 39.02(9)(a)2.a., b., d., e., f., g., h., i. shall contain the following language:

The contractor agrees that, within thirty (30) days after the effective date of this agreement, the contractor will provide to the City of Madison Division of Affirmative Action certain workforce utilization statistics, using a form to be furnished by the City.

If the contract is still in effect, or if the City enters into a new agreement with the contractor, within one year after the date on which the form was required to be provided, the contractor will provide updated workforce information using a second form, also to be furnished by the City. The second form will be submitted to the City Division of Affirmative Action no later than one year after the date on which the first form was required to be provided.

The contractor further agrees that, for at least twelve (12) months after the effective date of this contract, it will notify the City of Madison Division of Affirmative Action of each of its job openings at facilities in Dane County for which applicants not already employees of the contractor are to be considered. The notice will include a job description, classification, qualifications, and application procedures and deadlines, shall be provided to the City by the opening date of advertisement and with sufficient time for the City to notify candidates and make a timely referral. The contractor agrees to interview and consider candidates referred by the Division of Affirmative Action if the candidate meets the minimum qualification standards established by the contractor, and if the referral is timely. A referral is timely if it is received by the contractor on or before the date stated in the notice.”