

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law
For reading: October 24, 2017

ANCHORAGE, ALASKA
AO No. 2017-143

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY REPEALING AND
REENACTING ANCHORAGE MUNICIPAL CODE CHAPTER 7.50 - EQUAL
EMPLOYMENT OPPORTUNITY CONTRACT COMPLIANCE - TO UPDATE
CONTRACT COMPLIANCE REQUIREMENTS, AND AMENDING ANCHORAGE
MUNICIPAL CODE CHAPTER 7.10 - DEFINITIONS.**

WHEREAS, the Office of Equal Opportunity (OEO) and the contract compliance program were established through AO 1978-82, as a Division of the Department of Law; and

WHEREAS, the original role of OEO was to monitor municipal contractors' compliance with equal opportunity goals; and

WHEREAS, the duties of OEO have expanded to include administration of the Disadvantaged Business Enterprises (DBE) program, resolution of complaints of discrimination by municipal employees, program coordination under Title VI for federally funded projects, and responsibility for numerous other civil rights compliance and reporting requirements; and

WHEREAS, the Purchasing Department is chiefly responsible for reviewing and approving contracts for municipal goods and services; and

WHEREAS, the Administration believes that it would be more efficient to transfer responsibility for contract compliance to the Purchasing Department; and

WHEREAS, transfer of the contract compliance program component from OEO to Purchasing which would allow more OEO staff time to provide DBE outreach and to ensure municipal civil rights compliance; and

WHEREAS, while updating the contract compliance component, this ordinance also serves to update the affected code sections by including reference to "gender identity" and "sexual orientation" pursuant to previously passed legislation; and

WHEREAS, the Municipality remains committed to providing equal opportunity in municipal contracting opportunities; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 7.10.010 is hereby amended to read (the remainder of the section is not affected and therefore not set out):

7.10.010 Definitions.

Disability applies to any "qualified individual with a disability," as that phrase is defined in the Americans with Disabilities Act of 1990.

Discrimination means treating any person, class or group of persons separately and/or differently than any other person, class or group of persons in the recruiting, hiring, promotion, termination or any other facet of employment, or in the provision of goods or services to clients, if such separate and/or different treatment is due to such person's class or group's race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability.

Equal Opportunity Employer means the contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability.

Section 2. Anchorage Municipal Code chapter 7.50 is hereby repealed and reenacted to read as follows:

7.50.010 - Policy.

It is the policy of the municipality to promote equality of opportunity and to prevent discrimination on the basis of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability in the awarding of municipal contracts, and in the conduct of those awarded municipal contracts.

7.50.020 - Applicability.

Unless otherwise provided, the provisions in this chapter shall apply to all contracts and to all proposals or bids for contracts for goods or services, including construction, and to all subcontracts and purchase orders issued thereunder. Leases or services relating to the purchase or provision of insurance or to anticipated or pending litigation in which the Municipality is involved are exempt from this chapter. Contracts to which the Anchorage School District is a party are specifically exempted from this chapter.

7.50.030 - Administration.

The purchasing officer shall administer this chapter.

7.50.040 - Discrimination in award of contracts prohibited.

A. Neither the municipality, nor any municipal officer or employee, may discriminate against any person on the basis of race, color, religion, national

origin, ancestry, age, sex, sexual orientation, gender identity, marital status or physical or mental disability in any of the following activities:

1. Evaluating bids or proposals.

Awarding contracts.

7.50.050 - Equal employment opportunity requirements for contractors.

A. *Compliance form.* Every municipal contractor is required to file a contractor compliance form certifying compliance with this Chapter with the purchasing officer.

B. *Prohibition against discrimination.* No municipal contractor may discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, or marital status, or physical or mental disability.

C. *Affirmative action.* Every municipal contractor shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability. Such action shall include but not be limited to:

1. Employment, upgrading, demotion or transfer.

Recruitment or recruiting advertising.

3. Layoff or termination.

4. Rate of pay or other forms of compensation.

5. Selection for training, including apprenticeship.

The contractor shall agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

D. *Required contract language.*

1. Every municipal contract shall include language substantially the same as the following: The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability. The contractor will comply with all laws concerning the prohibition of discrimination including, but not limited to, Title 5 and Title 7 of the Anchorage Municipal Code.

2. Every municipal contractor shall state, in all solicitations or advertisements for employees to work under the contract, that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, age, sex, sexual orientation, gender identity, marital status, or physical or mental disability.

3. For purposes of this subsection, the purchasing officer may accept the contractor's statement that the contractor is an "equal employment opportunity employer" in lieu of the language required in subsections D.1 and D.2 above.

7.50.060 - Complaints

Complaints alleging violations of this chapter shall be referred for informal resolution with the Office of Equal Opportunity or filed with the applicable municipal, state, or federal compliance agency.

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 7th day of November, 2017.

Chair

ATTEST:

Municipal Clerk