

ORDINANCE NO. 2758

AN ORDINANCE to amend and reordain subsection (a), Section 12-4-6, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended; which Title 12 relates to EDUCATION, SOCIAL SERVICES AND WELFARE, which Chapter 4 relates to HUMAN RIGHTS, which Section 12-4-6 relates to CITY CONTRACTS and which subsection (a) relates to EQUAL EMPLOYMENT OPPORTUNITY.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (a), Section 12-4-6, Chapter 4, Title 12 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 12-4-6. City contracts.

(a) Any contract, except any contract for the sale, purchase or rental of land, to which the city is a party shall include substantially the following provisions:

"Equal Employment Opportunity. The contractor hereby agrees:

"(1) Not to discriminate against any employee or applicant for employment on account of race, color, religion, sex, ancestry, national origin, marital status, age or handicap, when such person is a qualified handicapped person, except for contracts over \$10,000.00 where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

"(2) To implement an affirmative action employment program as defined in section 12-4-3 of this chapter to ensure nondiscrimination in employment under guidelines to be developed by the commission and approved by the city council.

"(3) To include in all solicitations or advertisements for employees placed by or in behalf of the contractor the words 'Equal Opportunity Employer' or a symbol, approved by the commission, meaning the same.

"(4) To notify each labor organization or representative of employees with which said contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this equal employment opportunity clause.

"(5) To submit to the city manager and the city's human rights administrator, upon request, no more frequently than annually, regular equal employment opportunity reports on a form to be prescribed by the city's human rights administrator with the approval of the city manager, except that the administrator may request more frequent special reports of particular employers provided the commission has found such employers to have violated any provision of this chapter.

"(6) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this subsection.

"(7) To make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the contractor can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

"(8) That for the purpose of this section reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by handicapped persons and (ii) job restructuring, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

"(9) That in determining whether an accommodation would impose an undue hardship on the operation of the contractor's business, factors to be considered include, but are not limited to, the following:

"a. the overall size of the contractor's business with respect to the number of employees, the number and type of facilities and size of budget;

"b. the type of the contractor's operation, including the composition and structure of the contractor's work force; and

"c. the nature and cost of the accommodation needed.

"(10) That it may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

"(11) To include the provisions in subsections (1) through (10) of this clause in every subcontract so that such provisions will be binding upon each subcontractor.

"(12) That in the event of the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the city's human rights commission and certification of such finding by the city manager, the city council may terminate or suspend or not renew, in whole or in part, this contract."

Section 2. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: January 22, 1983