

## Chapter 125

### **EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICIES**

**Section 125.010. Equal Employment Opportunity — General Policy.** [CC 1985 §2-601; Passed 12-20-1976, Resolution]

- A. The Governing Body of the City of Mulvane, Kansas, hereby declares it to be the policy of its City to provide equal opportunity in employment and advancement and to administer its employment practices without regard to race, color, religion, sex, age or national origin. This policy of no discrimination will prevail throughout every aspect of employment practices, including but not limited to the following:
1. Recruit, hire and promote in all job classifications without regard to race, color, religion, sex, age or national origin, except where age is a bona fide occupational qualification.
  2. All decisions for hiring or promotions shall be based solely upon each individual's qualifications for the position to be filled.
  3. All other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, City sponsored training, education, tuition assistance, social and recreation programs will be administered without regard to race, color, religion, sex, age or national origin.
  4. The City will undertake a program of affirmative action to make widely known that equal employment opportunities are available on the basis of individual merit and to actively encourage all persons to seek employment and to strive for advancement on this basis.
  5. It is the intent of the City that this policy shall be enforced the same as any other policy of the City. Any deliberate attempt to thwart or to circumvent this policy shall be grounds for disciplinary action, including demotion or discharge.

**Section 125.020. Affirmative Action Policy — Scope and Purpose.** [CC 1985 §2-602; Passed 12-20-1976, Resolution]

These guidelines are designed to provide direction in the development of an affirmative action plan to provide equal employment opportunities for all regardless of race, color, religion, sex, age, physical handicaps or national origin. With that goal in mind, the City embraces the Kansas Act Against Discrimination.

**Section 125.030. The Equal Employment Opportunity Officer.** [CC 1985 §2-603; Passed 12-20-1976, Resolution]

- A. Responsibilities and duties of the Equal Employment Opportunity Officer are to coordinate efforts to advise and assist staff in implementing the aforementioned Kansas Act Against Discrimination and to serve as ombudsman for any complaints. Specifically, this official is charged with monitoring the following:
1. Reviewing all policies relating to equal opportunity in order to guarantee effective implementation of the program.
  2. Designing and implementing record systems of minority employment information.
  3. Serving as liaison between contractors and employment agencies, including the Kansas Human Rights Commission and Federal Equal Employment Opportunity for qualified minority organizations.
  4. Cooperation with unions in the development of programs to assure equal opportunity for qualified minority persons in the contract grades.
  5. To encourage minority employees to increase their skills and job potential through participating in training and educational programs.

**Section 125040. Advertising.** [CC 1985 §2-604; Passed 12-20-1976, Resolution]

The City shall advertise in newspapers that the City is an "equal opportunity employer" and advertise vacancies of City employee positions in such newspapers. All applicants will be screened on a competitive basis extending to all applicants consideration for employment without regard to race, creed, color, sex, age or national origin. The City of Mulvane will post in conspicuous places notices and other information identifying that the City is an equal opportunity employer.

**Section 125.050. Government Contracts — Mandatory Provisions.**

- A. Except as provided by Subsection (C), every contract for or on behalf of the City of Mulvane, or any agency of or authority created by the City, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:
1. The contractor shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin or ancestry;
  2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the commission;
  3. If the contractor fails to comply with the manner in which the contractor reports to the commission in accordance with the provisions of Section 44-1031, K.S.A. and amendments thereto, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;

4. If the contractor is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the commission which has become final, the contractor shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and
  5. The contractor shall include the provisions of Subsections (A)(1) through (4) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.
- B. The Kansas Human Rights Commission shall not be prevented hereby from requiring reports of contractors found to be not in compliance with the Kansas Act Against Discrimination.
- C. The provisions of this Section shall not apply to a contract entered into by a contractor:
1. Who employs fewer than four (4) employees during the term of such contract; or
  2. Whose contracts with the City letting such contract cumulatively total five thousand dollars (\$5,000.00) or less during the fiscal year of the City.