

City of Lambertville
ORDINANCE NUMBER 28-2015

Non-Discrimination Ordinance By City Contractors

An Ordinance to Require All Contractors Proposing to Do Business With the City of Lambertville to Treat Employees in A Manner Which Provides Equal Employment Opportunity And Does Not Discriminate Against Any of Their Employees, Any City Employee Working With Them, or Any Applicant for Employment

The “non-discrimination by city contractors” provision of the City of Lambertville requires all contractors proposing to do business with the City of Lambertville, in the County of Hunterdon, in the State of New Jersey, to treat employees in a manner which provides equal employment opportunity and does not discriminate against any of their employees, any City employees working with them, or any applicant for employment on the basis of Actual or perceived age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, height, HIV Status, familial status, religion, affectional or sexual orientation, source of income, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, political beliefs, religion, liability for service in the Armed Forces of the United States, or disability, victim of domestic violence or stalking, or weight.

It also requires that the contractors include a similar provision in all subcontracts that they execute for the City work or programs.

WHEREAS, on September 29, 2015 the members of the Human Rights Council reviewed and formulated the language contained within this Ordinance and recommended adoption to the Governing Body of the City of Lambertville; and

WHEREAS, the Mayor and Council of the City of Lambertville, in the County of Hunterdon, in the State of New Jersey introduced on first reading, Ordinance Number 28-2015 to make it unlawful for the City of Lambertville to fail or refuse to hire or promote, or to discharge any individual, because of such individual’s actual or perceived age, race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, height, HIV Status, familial status, religion, affectional or sexual orientation, source of income, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, political beliefs, religion, liability for service in the Armed Forces of the United States, or disability, victim of domestic violence or stalking, or weight; and

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Lambertville in the County of Hunterdon, in the State of New Jersey, that the following is hereby adopted:

I. EQUAL OPPORTUNITY REQUIREMENTS.

All contractors bidding on contracts or doing business with the City of Lambertville shall complete the Affidavit of Compliance agreeing to adhere to the City’s Non-Discrimination

Policy for Contractors. The Affidavit is hereby made part of this ordinance and the Mayor shall be the only person authorized to waive the submittal of all or any part thereof the Affidavit of Compliance.

- A. It is declared to be the policy of the City of Lambertville that any person contracting for building and construction projects or furnishing supplies or services to the City of Lambertville, and to which any funds of the City of Lambertville are expended, shall establish equal employment opportunities for all individuals so that no individual shall be excluded from employment by such person because of Actual or perceived age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, height, HIV Status, familial status, religion, affectional or sexual orientation, source of income, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, political beliefs, religion, liability for service in the Armed Forces of the United States, or disability, victim of domestic violence or stalking, or weight.
- B. Any person so contracting for building and construction projects, or furnishing supplies or services to the metropolitan government, wherein any funds of the City of Lambertville may be appropriated or expended to such person, shall not subscribe to any personnel policy which permits or allows the promotion, demotion, employment, dismissal or laying off of any individual due to his Actual or perceived age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, height, HIV Status, familial status, religion, affectional or sexual orientation, source of income, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, political beliefs, religion, liability for service in the Armed Forces of the United States, or disability, victim of domestic violence or stalking, or weight, or which is in violation of applicable laws concerning the employment of individuals with disabilities.
- C. It is further declared to be the policy of the City of Lambertville that any person entering into any agreement for the use of any government property or facility with a lease term of greater than six months shall establish equal employment opportunities for all individuals so that no individual shall be excluded from employment, discharged, demoted, or refused a promotion by such person because of Actual or perceived age, race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, height, HIV Status, familial status, religion, affectional or sexual orientation, source of income, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, political beliefs, religion, liability for service in the Armed Forces of the United States, or disability, victim of domestic violence or stalking, or weight, and to ensure compliance with all applicable laws concerning the employment of individuals with disabilities.
- D. The foregoing provisions of this section prohibiting employment discrimination on the basis of sexual orientation or gender identity shall not apply to the following:

- a. Religious entities, organizations, or institutions where employment discrimination on the basis of sexual orientation or gender identity is in furtherance of the organization's religious mission or beliefs, as such prohibition is not intended to interfere with the free exercise of religion or the freedom of expressive association guaranteed by the U.S. Constitution; or
- b. Any group or organization where the application of such provisions would significantly burden the expression of the group or organization, as such prohibition is not intended to interfere with the freedom of expressive association guaranteed by the U.S. Constitution.”

II. AFFIDAVIT OF COMPLIANCE—CONTRACT REQUIREMENTS.

- A. The purchasing agent of the City of Lambertville (section III) shall include in all bid specifications or invitations to bid a provision to the effect that no contract shall be entered into for building and construction projects, or supplies, or services unless the successful bidder submits an affidavit to the City of Lambertville stating that his employment and personnel policies, standards, and practices do not permit or allow for the promotion, demotion, employment, dismissal or laying off of any individual due to race, creed, color, national origin, sex, gender identity, or sexual orientation, and that he is not in violation of, and will not violate, any applicable laws concerning the employment of individuals with disabilities.
- B. The purchasing agent, or other agency of the City of Lambertville under whose jurisdiction such work is to be performed, shall include in the specifications to bidders or in the invitations to bid, a clause prohibiting the successful bidder from discriminating against any individual due to his/her race, creed, color, national origin, sex, gender identity, or sexual orientation, and from violating applicable laws concerning the employment of individuals with disabilities.
- C. The foregoing requirements of this section pertaining to employment discrimination on the basis of sexual orientation or gender identity shall not apply to the following:
 - a. Religious entities, organizations, or institutions where employment discrimination on the basis of sexual orientation or gender identity is in furtherance of the organization's religious mission or beliefs, as such prohibition is not intended to interfere with the free exercise of religion guaranteed by the U.S. Constitution; or
 - b. Any group or organization where the application of such provisions would significantly burden the expression of the group or organization, as such prohibition is not intended to interfere with the freedom of expressive association guaranteed by the U.S. Constitution.

III. Affidavit of Compliance

The contractor agrees:

- (a) To comply with the terms of the City of Lambertville's Non-Discrimination Ordinance and contract compliance administrative policy, including but not limited to an acceptable affirmative action program, if applicable.
- (b) To post the City of Lambertville's Non-Discrimination Ordinance Notice in every work place or other location in which employees or other persons are contracted to provide services under a contract with the City.
- (c) To provide documentation within the specified time frame in connection with any workforce verification, compliance review or complaint investigation.
- (d) To permit access to employees and work sites to City representatives for the purposes of monitoring compliance or investigating complaints of non-compliance.

The undersigned states that he/she has the requisite authority to act on behalf of his/her employer in these matters and has offered to provide the services in accordance with the terms of the City of Lambertville's Non-Discrimination Ordinance. The undersigned certifies that he/she has read and is familiar with the terms of the Non-Discrimination Ordinance, obligates the Contractor to those terms and acknowledges that if his/her employer is found to be in violation of Ordinance it may be subject to civil penalties and termination of the awarded contract.

Company Name

Signature of Authorized Representative Date

Print Name and Title

Address, City, State, Zip Code

Phone/Email address

INTRODUCED: November 16, 2015

PUBLIC HEARING: December 15, 2015

CLERKS CERTIFICATE

I, Cynthia L. Ege, CMR, RMC, Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Lambertville, in the County of Hunterdon, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.
2. Attached hereto is a true and complete copy of an ordinance passed by the governing body of the City on first reading November 16, 2015 and finally adopted by the governing body on December 15, 2015.
3. On November 19, 2015 a copy of the ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the municipality who requested copies, up to and including the time of further consideration of the ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the ordinance were made available to all who requested them.
4. After final passage, the ordinance, a copy of which is attached hereto, was duly published on _____. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within the 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this ____ day of _____.

Cynthia L. Ege, CMR, RMC, City Clerk

(Seal)