

208.10 EQUAL OPPORTUNITY AND FELONY RE-ENTRY EMPLOYMENT.

(a) The City shall accept bids for goods and/or services in the amount of ten thousand dollars (\$10,000) or more from only those persons, partnerships or corporations that are committed to equal opportunity employment of all persons, consistent with Article I, Section 26 of the Michigan Constitution and which has adopted a hiring policy which does not preclude a person with a felony conviction from being considered for employment unless otherwise precluded by State or Federal law.

(b) This section shall apply to all subcontractors holding subcontracts of ten thousand dollars (\$10,000) or more when such subcontractors are a direct and inclusive result of a City purchase or contract of ten thousand dollars (\$10,000) or more.

(c) Any contractor, subcontractor, supplier or vendor which is subject to this section and who employs fifteen or more employees, shall submit equal opportunity employment compliance documentation with their bid or proposal. Such documentation shall substantially conform to forms created by the Purchasing Agent ~~which shall indicate the number of minorities, women employed by job classifications and whether such numbers meet or exceed the relevant Standard Metropolitan Statistical Area Percentage for Battle Creek or the SMSA percentage of the contractor's business address~~ and include, in writing, the contractor's equal employment opportunity policy to allow the City to review personnel policies, selection processes, and record keeping procedures that affect equal employment opportunity. Employment data, practices and policies will be analyzed to determine if these afford equal employment opportunity.

(d) Any contractor, subcontractor, supplier or vendor which is subject to this section and who employs fifteen or more employees, shall submit in writing with its bid or proposal, its hiring policy which shall provide that a felony conviction is not an absolute bar to, or otherwise preclude, possible employment with the contractor, subcontractor, supplier or vendor.

(e) Failure to submit the equal opportunity employment and felony conviction re-entry to employment policy documentation required by this section shall render the bid or proposal non-responsive.

(Ord. 03-07. Passed 4-17-07; Ord. 06-08. Passed 6-3-08.)

222.01 TERM; POWERS AND DUTIES.

The City Manager is the Chief Administrative Officer of the City Government. He shall hold office for an indefinite term and at the pleasure of the majority of the members of the City Commission. The powers and duties of the City Manager shall include the following:

(a) To supervise and control the administrative affairs of the City and all departments thereof and to seek quality, economy and efficiency therein;

(b) To fully advise the Commission regarding the policies, affairs and financial conditions and needs of the City, with the right to take part in all discussions thereof;

(c) To recommend an annual budget or budgets to the Commission and to carry out the policies, budgets and directives of the Commission;

(d) To preserve the public peace and the health and safety of persons and property and see to the enforcement of the ordinances of the City, the City Charter and general law;

(e) To maintain a system of centralized purchasing, to control expenditures and to superintend all operating units and contracts of the City;

(f) To appoint and remove, subject to the provisions of the City Charter and this Administration Code, all officers and employees of the City, all appointments being made on the basis of ability, training, ~~affirmative action~~ and experience; and

(g) To perform such other functions and have such other powers as may be established by general law, the City Charter or any ordinance or resolution of the City or as may be required of or accorded to him by the Commission.

(Ord. 14-78. Passed 11-28-78.)

230.03 REQUESTS FOR FINANCIAL ASSISTANCE FROM CITY; EQUAL EMPLOYMENT.

(a) Compliance Required. A business or industry, with or projecting to have twelve or more employees, requesting financial assistance from the City, such as ~~Urban Development Action Grants or loans~~, Community Development Block Grants or loans, the sale of Economic Development Corporation (EDC) bonds and/or the granting of tax abatement, shall have demonstrated its commitment to equal employment practices ~~and the employment of minority persons~~, or shall agree to use its best efforts to adopt equal employment practices ~~and to hire minority persons at least equal in proportion to the available minority work force in the Battle Creek Standard Metropolitan Statistical Area~~ within a reasonable period of time.

(Res. 406. Passed 10-2-84.)

(b) Equal Opportunity Review Committee. The Mayor, with City Commission approval, shall appoint an Equal Opportunity Review Committee consisting of three City Commissioners. The Contract Compliance Officer shall review all applicants requesting financial assistance from the City to determine if a plan is needed ~~for the to assure equal employment opportunity in developing pools of potential qualified employees, including identifying areas where equal employment opportunity improvement is necessary and recommending actions for solving them establishment of minority hiring goals and implementation procedures, and shall review progress~~

~~toward the realization of minority hiring goals~~ at least on an annual basis. Any problems of noncompliance arising in the review process shall be reviewed with the Committee.

(Res. 635. Passed 1-8-85.)

(c) Assistance by City. Upon request, the City shall provide assistance to a business or industry to help it achieve the desired local goals or to comply with Federal and State laws pertaining to equal employment and Federal laws pertaining to affirmative action. Consistent with Article I, Section 26(4) of the Michigan Constitution, the City may require data to ensure compliance with affirmative action requirements where such action must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the City.

(d) Waiver. The City Commission may waive or amend this policy when it determines it to be in the best interest of the City.

(Res. 406. Passed 10-2-84.)

CHAPTER 292

Recruitment and Employment

- 292.01 Types of positions.
- 292.02 Recruitment.
- 292.03 Persons prohibited from employment.
- 292.04 Equal employment opportunity; ~~affirmative action~~.
- 292.05 Procedures for filling vacancies.
- 292.06 Physical examinations.
- 292.07 Probationary period.
- 292.08 Temporary transfers.

CROSS REFERENCES

Appointment of City officers - see CHTR. Sec. 5.4; ADM. 222.02
City personnel - see CHTR. Sec. 5.6
Municipal Employees' Retirement ~~Act~~System - see M.C.L.A. Secs. 38.1501601 et seq.
Compensation and salaries in home rule cities - see M.C.L.A. Secs. 117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
Civil service in home rule cities - see M.C.L.A. Sec. 117.4i
Recall - see M.C.L.A. Sec. 117.4i
Shortening or extending term of office - see M.C.L.A. Sec. 117.5
Personnel Department - see ADM. Ch. 234

292.04 EQUAL EMPLOYMENT OPPORTUNITY; ~~AFFIRMATIVE ACTION~~.

It is the policy of the City to implement equal opportunity ~~on an affirmative basis~~ to all qualified employees and applicants for employment in accordance with State and Federal law. Positive action shall be taken to ensure the fulfillment of this policy.

(Ord. 14-78. Passed 11-28-78.)

292.05 PROCEDURES FOR FILLING VACANCIES.

(a) Vacancies in positions covered by union contracts, other than entry-level positions, shall be filled according to the applicable provisions of those contracts.

(b) Vacancies in all entry-level positions and other nonrepresented positions shall be filled according to ~~equal employment opportunity~~~~affirmative action~~ guidelines and established procedures of the City.

(Ord. 14-78. Passed 11-28-78.)

CHAPTER 294

General Personnel Regulations

- 294.01 Hours of work.
- 294.02 Relief periods.
- 294.03 Holidays.
- 294.04 Vacation leave.
- 294.05 Sick leave; disability and death.
- 294.06 Other leaves of absence.
- 294.07 Performance standards; evaluations.
- 294.075 Performance Evaluation Program.
- 294.08 Use of performance evaluations.
- 294.09 Outside employment.
- 294.10 Employee assistance program.
- 294.11 Health insurance.
- 294.12 Life insurance.
- 294.13 Dental Plan.
- 294.14 Pension Plan.
- 294.15 In-service training.
- 294.16 Safety program.
- 294.17 Accident review policy.
- 294.18 Travel allowances.
- 294.185 Use of City vehicles; mileage allowance.
- 294.19 Residency requirements.
- 294.20 ~~Affirmative Action~~Equal Employment Opportunity Employer.
- 294.21 Credit card policy.

CROSS REFERENCES

City personnel - see CHTR. Sec. 5.6

Retirement system - see CHTR. Sec. 5.7

Municipal Employees' Retirement ~~Act~~System - see M.C.L.A. Secs. 38.1501604 et seq.

Compensation and salaries in home rule cities - see M.C.L.A. Secs. 117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33

Civil service in home rule cities - see M.C.L.A. Sec. 117.4i

Recall - see M.C.L.A. Sec. 117.4i

Shortening or extending term of office - see M.C.L.A. Sec. 117.5

Personnel Department - see ADM. Ch. 234

Local Officers Compensation Commission - see ADM. Ch. 275

294.20 EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER~~AFFIRMATIVE ACTION.~~

~~(a) The Affirmative Action Program established by Resolution 100, passed June 20, 1972, is hereby continued and modified to include a second five-year plan containing the following objectives and programs:~~

~~—(1) There shall be minority employment in each of the job classifications below at a minimum of twenty one percent, which approximates the 20.9 percent minority composition of the population of the City.~~

~~Five Year Goal~~

~~Current Work Force Protected 21% — Current Minority — Minority To Be Hired~~

~~Office/administrative 33 — 7 — 1 — 6~~

~~Professionals 9 — 2 — 5 — 0~~

~~Technicians 54 — 11 — 5 — 6~~

~~Protective services 81 — 16 — 8 — 8~~

~~Office/clerical 70 — 13 — 18 — 0~~

~~Skilled craftsmen 31 — 6 — 6 — 0~~

~~Service maintenance 117 — 25 — 35 — 0~~

~~395 — 80 — 78 — 20~~

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~~(a2) The City shall be an equal employment opportunity employer and t~~There shall be equal employment opportunity for all persons regardless of his or her actual or perceived race, creed, color, religion, sex, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, or gender identity~~age or handicap.~~

~~(3) Recruitment, training and promotion for the positions in the service of the City Government shall be designed to achieve and maintain relative representation of all protected classes mentioned above.~~

~~—(4) The goal of employing qualified protected class representation in the various job categories is to be achieved through vacancies in existing positions as a result of retirement or resignation or by such additional positions as may be created in the future. No existing employee of the City shall be terminated for the express purpose of creating a vacancy for the employment of protected classes.~~

(b5) Continued efforts shall be made to attract a qualified, diverse applicant pool and to ensure that hiring decisions are based on job-related factors~~recruit minorities and members of other protected classes~~. Contact with organizations and educational institutions as well as with relevant publications shall be made to achieve this end.

(c6) Testing forms, educational requirements and job descriptions shall be re-evaluated to eliminate any existing artificial barriers.

(d7) Nondiscrimination shall be recognized as a City policy. Failure to adhere to the policy shall be dealt with by disciplinary action the same as any other infraction of City rules.

(e8) The written policy of equal employment opportunity shall be published and disseminated.

(f9) Orientation lectures for all supervisory personnel, as well as other employees, shall be given to ensure familiarity with the equal employment opportunity policy.

(g10) An Equal Employment Officer, charged with the responsibility of securing compliance and advising the City Manager of the program's status, shall be appointed.

(h11) All recruitment sources shall be notified in writing that the City, as an equal employment opportunity employer, solicits referral of qualified applicants without regard to actual or perceived race, ~~ered~~, color, religion, sex, national origin, sex, age, height, weight, marital status, physical or mental disability, handicap, family status, sexual orientation, or gender identity.

(i12) A system of control and feedback shall be instituted to assure application of the equal employment opportunity policy and enforcement requirements at all levels.

(j13) Racial identity shall be maintained in post-employment files.

(k14) Equal employment opportunity posters and other literature and materials shall be displayed in conspicuous areas throughout all City facilities.

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| ~~(145)~~ The City shall cooperate with the Michigan Civil Rights Commission, the Federal Equal Employment Opportunity Commission and community groups in building an equal employment opportunity climate in business and in the community.

| ~~(b) The minority employment goals of each job classification shall increase proportionately as new positions are created or transferred into the service of the City.~~

| ~~(Res. 150. Passed 6-21-77.)~~

| ~~(c) A five year Affirmative Action Plan, which Plan is attached to original Resolution 705, passed February 7, 1984, is hereby adopted.~~

| ~~(Res. 705. Passed 2-7-84.)~~

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