

Kotian to Clerk
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ORDINANCE NO. **00198**

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An ordinance relating to Discrimination in Employment by County Contractors, Subcontractors or Vendors, establishing policies and penalties for non-compliance.

BE IT ENACTED BY THE COUNTY COUNCIL OF KING COUNTY WASHINGTON, AS FOLLOWS:

Section 1. No contractor, subcontractor, union or vendor engaged in construction for the county or sale of materials and equipment to the county or furnishing workmen in connection therewith, shall discriminate against any person on the basis of race, color, creed, sex, age, or nationality in employment, including the upgrading, demotion, recruiting, transfer, lay-off, termination, payrate and advertisement for employment of persons, and no such contractor, subcontractor, union or vendor shall violate any of the terms of Chapter 49.60 of the Revised Code of Washington.

Sec. 2. The provisions of Section 1 will be a part of all county contracts and any violation shall be considered a violation of a material provision of the contract and shall be grounds for cancellation, termination or suspension, in whole or in part, of the contract by the county, or enforcement of provisions of the contract providing for penalties, liquidated damages, or other remedies, and may result in ineligibility for further county contracts.

Sec. 3. Firms and organizations described in Section 1 of this ordinance are required to submit to the County Executive a certificate of compliance demonstrating that they have in fact complied with the provisions above: Provided, that certificates of compliance shall not be required from firms and organizations with less than 25 employees or members, or contracts with King County and/or yearly sales to King County of less than \$10,000.

Sec. 4. This certificate will indicate minority persons which the firm or organization presently employs or has as members; and what affirmative action, if any, the firm or organization will take in the succeeding year to increase its minority representation.

Sec. 5. An updated certificate is required annually on or before the 31st of December from all non-exempt firms and organiza-

1 tions engaged in contracts or vending with King County.

2 Sec. 5(a). The certificate of compliance will indicate
3 that the contractor will send to each labor union or representa-
4 tive of workers with which he has a collective bargaining agree-
5 ment or other contract or understanding, a notice, to be provided
6 by the County, advising the labor union or worker's representative
7 of the contractor's commitments under this ordinance, and shall
8 post copies of the notice in conspicuous places available to em-
9 ployees and applicants for employment.

10 Sec. 5(b). The county may direct that any bidder or pros-
11 pective contractor or subcontractor shall submit, as part of his
12 compliance report, a statement in writing, signed by an authorized
13 officer or agent on behalf of any labor union or any agency refer-
14 ring workers or providing or supervising apprenticeship or other
15 training, with which the bidder or prospective contractor deals,
16 with supporting information, to the effect that the signer's prac-
17 tices and policies do not discriminate on the grounds of race,
18 color, creed, sex, age, or national origin, and that the signer
19 either will affirmatively cooperate in the implementation of the
20 policy and provisions of this Order or that it consents and agrees
21 that recruitment, employment, and the terms and conditions of em-
22 ployment under the proposed contract shall be in accordance with
23 the purposes and provisions of the Order. In the event that the
24 union, or the agency shall refuse to execute such a statement, the
25 Compliance Report shall so certify and set forth what efforts have
26 been made to secure such a statement and such additional factual
27 material as the county may require.

28 Sec. 5(c). The contractor will, upon request or as soon
29 thereafter as possible, furnish all information and reports re-
30 quired by the enforcing agency provided in Section 11, and will
31 permit access to his books, records and accounts by the enforcing
32 agency for purposes of investigation to ascertain compliance with
such rules, regulations, and orders.

1 Sec. 6. Certificates shall be on standard forms provided
2 by the county.

3 Sec. 7. A certificate of compliance must be submitted be-
4 fore any non-exempt firm or organization will be considered for con-
5 tract or vending.

6 Sec. 8. All certificates will be filed with the County
7 Executive who in turn will submit lists of eligible contractors
8 and vendors to the Department of Purchasing and Public Works.

9 Sec. 9. No contract will be entered into or products and
10 services received from an ineligible contractor or vendor.

11 Sec. 10. Any public works bid of \$100,000 or more will not
12 be considered unless an updated certificate in addition to the an-
13 nual certificate is also submitted which will cover the duration of
14 the project if it is less than one year. This certificate will in-
15 dicate specific levels of minority persons in different job classi-
16 fications which the firm or organization will employ or include in
17 its membership for the period of the contract. In such projects
18 all subcontractors of non-exempt status shall also submit similar
19 certificates of compliance. Prime contractors as a condition of
20 their contract shall be responsible for both the submittal of cer-
21 tificates and the actual employment of racial minorities by their
22 subcontractors and vendors.

23 Sec. 11. The County Executive is authorized to contract
24 with an appropriate enforcing agency to conduct investigations ne-
25 cessary to determine compliance on the part of any firm or organi-
26 zation.

27 Sec. 12. Guidelines for the determination of violation
28 will include but are not limited to the following:

- 29 (a) Racial minorities presently in trade or job category.
30 (b) Racial minorities seeking employment in the trade or
31 job category.
32 (c) Racial minorities presently in apprenticeship or other
training programs in the trade or job category.

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- (d) Minority persons seeking admission to apprenticeship or other training programs in the trade or job category.
- (e) Performance by the firm or organization of the affirmative action indicated in its most recent compliance certificate.

Sec. 13. Upon complaint of a violation, the County Executive or enforcing agency will conduct an investigation and if it appears probable that a violation has occurred, the County Executive will personally, or through a hearing examiner, conduct a hearing involving all parties, and will determine whether a violation has occurred, after which he may undertake one of the following:

- (a) Dismissal of the complaint.
- (b) Suspension or cancellation of the contract in part or in whole.
- (c) Exclusion from future contracts or vending until demonstration of compliance.
- (d) Enforcement of any provision of the contract providing other remedies, such as penalties or liquidated damages, for violation of contractual provisions.

PASSED this 20th day of October, 1969.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Robert B. Quinn
VICE Chairman of the Council

ATTEST:

Ralph R. Hendler
Clerk of the Council

APPROVED this 23rd day of October, 1969.

ORDINANCE READINGS

... 4-15-69
... 10-20-69
... 10-20-69
Effective Date.....

[Signature]
King County Executive

/cj
9-25-69