

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY OF PEORIA CODE OF ORDINANCES AND AUTHORIZING THE CREATION OF “FAIR EMPLOYMENT PRACTICES” FOR EMPLOYMENT WITHIN THE CITY OF PEORIA

WHEREAS, the City of Peoria, Illinois (“the City”) has a population of more than 25,000 and is, therefore, a home rule unit under subsection (a) of Section 6, Article VII of the Illinois Constitution of 1970; and

WHEREAS, the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that promote the gainful employment of qualified applicants for positions at the City; and

WHEREAS, the City has an interest in maintaining a diverse workforce that is reflective of the community that it serves; and

WHEREAS, the City finds that it is necessary to take steps to address historical barriers to employment opportunities for qualified applicants from certain demographics and to provide those opportunities for employment and service to all of its citizenry; and

WHEREAS, the Subcommittee on Police & Fire Diversity has compiled a report (dated: October 8, 2015) with recommendations for diversification of the City’s workforce in the Police Department and Fire Department, and the City Council has reviewed said report;

WHEREAS, the City finds that it is appropriate to adopt the goals created by the City’s Subcommittee on Police & Fire Diversity with regard to employment within all City departments; and

WHEREAS, the City’s Subcommittee on Police & Fire Diversity has a 10-year vision of creating a diverse workforce that mirrors the demographics of the City, which can only be achieved through the establishment of annual placement goals that are adequately recognize the underrepresentation of women and minorities; that these goals are permissible by law; and that said goals aim to correct adverse impact within specific job groups where women and minorities are underrepresented despite their availability,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Peoria as follows:

Section 1.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.

Section 2.

Chapter 2 of the Code of Ordinances is hereby amended by adding Article VI, Equal Employment Practices for City Employment, which will read as follows:

Article VI. Equal Employment Practices for City Employment

Sec. 2-360. Equal Employment Opportunity.

- (1) It is the policy of City of Peoria that all applications for employment, promotion, or other changes in job status, will be considered on the basis of individual qualifications with emphasis on selecting "the best qualified person for the job." Selection decisions will consider the needs of the community, historical discrimination that prevented employment opportunities to protected classes; date of application, previous work record, special training and skills, work experience, attitude, physical fitness (if applicable) and any other qualification that clearly is job related.
- (2) City of Peoria is an equal employment opportunity employer and does not discriminate against employees or job applicants on the basis of race, religion, color, sex, sexual orientation, age, national origin, disability, veteran status, membership or non-membership in any labor organization or any other status or condition protected by applicable federal or state statutes, except where a bona fide occupational qualification applies.
- (3) City of Peoria will recruit, hire, train, and promote persons in all job titles without regard to race, religion, color, sex, sexual orientation, age, national origin, disability, veteran status, or any other status or condition protected by applicable state law, except where a bona fide occupational qualification applies.
- (4) City of Peoria will ensure that all personnel actions affecting compensation, benefits, transfers, layoffs, return from layoff, company-sponsored training, education, tuition assistance, and social and recreation programs will be administered without regard to race, religion, color, sex, sexual orientation, age, national origin, disability, veteran status, or any condition protected by applicable state law, except where a bona fide occupational qualification applies.
- (5) City of Peoria encourages any employee who has a suggestion, problem or complaint with regard to equal employment to contact the Director of Human Resources, Equal Opportunity Manager, or the Corporation Counsel, or his/her designee.
- (6) City of Peoria will not interfere with employee's rights to join or refrain from joining any labor organization or participation in any manner in collective bargaining activities.
- (7) The City Council, by the policies set out in the employment policy manual and this chapter, and by this specific policy, is committed to uphold the law with regard to equal employment opportunities, and in particular the Illinois Human Rights Act; Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendment of 1972; the Equal Pay Act of 1963; the Age Discrimination Act of 1976; Executive Order number 11246; Section 503 of the Rehabilitation Act of 1973; Section 402 of the

Vietnam Era Veterans Assistance Act; the Americans with Disabilities Act; and Article I, Sections 17, 18 and 19 of the Illinois Constitution.

Sec. 2-361. Affirmative Action

- (1) City of Peoria in its stated policies, and through the implementation of those policies, shall, within the limits of its budget and operational abilities, do the following:
 - (a) Make reasonable efforts to engage in a more diverse workforce for City employment in all departments by taking such steps as:
 - (i) The placement of employment advertisements in newspapers which serve the largest number of minorities and protected class persons in City of Peoria,
 - (ii) The recruitment of employees through schools and universities with substantial proportions of minority and protected class students,
 - (iii) The maintenance of ongoing systematic contacts with minority and human relations organizations, leaders, and service providers and spokespersons to encourage referral of qualified minority and protected class applicants,
 - (iv) The encouragement of present employees to refer minority protected class applicants,
 - (v) The dissemination of information to all City of Peoria recruitment sources that qualified minority and protected class persons are being sought for consideration for professional, semi-professional and other employment whenever the City hires,
 - (vi) The use of "equal opportunity employer" statements in all advertisements for new employees;
 - (b) Make reasonable efforts to engage in a more diverse workforce City by instructing those who make hiring decisions that minority and protected class applicants for all jobs are to be sought and considered;
 - (c) Make reasonable efforts to use professional, semi-professional, and occupational internships and other training to help equalize opportunity for minority and protected class persons, such as:
 - (i) Assisting minority and other protected class persons to enter professional, semi-professional and occupational training programs and cooperating with those agencies, organizations, and programs which make such training available,
 - (ii) Encouraging minority and protected class persons to increase their skills and job potential through participation in available training and education programs;
 - (d) Make reasonable efforts to engage in nondiscriminatory placement and promotion within City employment by:

- (i) Instructing those who make placement and promotion decisions that minority and protected class employees are to be sought and considered,
 - (ii) Encouraging the promotion of minority and protected class employees who have increased their skills and job potential in accordance with these affirmative action policies;
- (e) Make reasonable efforts to engage in nondiscriminatory professional contracting for the City by encouraging minority and protected class contractors and contractors with minority and protected class representation among their employees to submit proposals for professional contract work;

Sec. 2-362. Accommodations for Employees/Applicants with Disabilities.

- (a) The City shall comply with the American with Disabilities Act (ADA) and applicable state and local laws providing for nondiscrimination in employment of qualified individuals with disabilities, as defined under the ADA.
- (b) It is the policy of the City to make reasonable accommodations and to attempt to allow employees/applicants with a disability to work as long as they are physically and mentally able to perform the essential functions of their job position without causing an undue hardship or risk to their health or the health of other employees or patrons of the department.
- (c) Employees/applicants with a disability will be treated no differently than any other employee/applicant. If an employee's/applicant's disability affects his/her ability to perform the essential functions of his/her job, such employee will be treated like other employees who have no disabilities that limit his/her job performance, except that, management will make reasonable effort, as required by federal and/or state law, to accommodate the disabilities of employees who can perform the essential functions of their job position, provided it does not cause undue hardship on the operation of the particular department.
- (d) Employees who have a disability which affects their ability to perform the functions of their job or may pose a health or safety risk to co-workers or others, shall inform the Director of Human Resources and the department director of their condition and request reasonable accommodation as soon as possible. The Director of Human Resources and the department director shall make a reasonable effort to accommodate an employee's disability. Employees who request an accommodation may have to supply the Human Resources Department with any pertinent medical information necessary to make decisions regarding reasonable accommodations.
- (e) Employees are encouraged to communicate with Human Resources or the director of their department the nature of their disability, and no employee will be subject to disciplinary action or other form of retaliation for bringing their disability to management's attention. Employees who would like additional information

regarding disabilities should contact the Human Resources Department or the department director.

Sec. 2-363. Selection and Placement Policy.

- (a) Placement goals are not used to supersede merit selection principles; require the City to hire a person who lacks qualifications to perform the job successfully; or require the City to hire a less qualified person in preference to a more qualified one.
- (b) Placement goals are not quotas that must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups.
- (c) By improving processes; holding administrators accountable; and monitoring and measuring performance regularly, the City shall make all reasonable, efforts to achieve the placement goals as enumerated in the October 8, 2015 report created by the City's Subcommittee on Police & Fire Diversity as follows:
 - (i) The percentage of minority commissioned ranks within the Police Department should be increased, at a minimum of 8% annually, to achieve 40% by 2025.
 - (ii) The percentage of minority commissioned ranks within the Fire Department should be increased, at a minimum of 11% annually, to achieve 40% by 2025.
 - (iii) The goals for diversity in the Police and Fire Departments will be adjusted, from time to time, according to new demographic data from the U.S. Census.
 - (iv) Should these placement goals not be achieved annually in 2017 or 2018, the City shall utilize alternate means to reach the placement goals, which will include, but not be limited to, adopting a pass/fail test for Police Applicants.

Section 2-364. Severability.

If any provision of this Article VI, or the application of any provision of this Article VI is held unconstitutional or is otherwise invalidated by a court of competent jurisdiction or a change in applicable federal or state law, such occurrence shall not affect the other provisions of this Article VI, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Article VI.

Section 2-365. Context.

When not inconsistent with the context, words used in the present tense include the future tense; words in the plural number include the singular number; and words in the singular number include the plural number.

Section 2-365. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from and after its passage, approval, and publication as required by law.

Section 2-366. Adoption of Subcommittee Report.

The City Council of the City of Peoria hereby adopts the goals of the ad hoc Subcommittee on Police & Fire Diversity as enumerated in its report, dated October 8, 2015, and the same are incorporated in, and shall be considered a part of, this Ordinance.

PASSED by the City Council this ____ day of _____, 2016.

AYES: _____

NAYS: _____

ABSTAINS: _____

Beth Ball, City Clerk

APPROVED by the Mayor this _____ day of _____, 2016.

Jim Ardis, Mayor