

Introduced by the Administrative Services/Personnel and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION REQUIRING COUNTY VENDORS TO CONFORM TO THE INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT/NONDISCRIMINATION POLICY**

**RESOLUTION #02-283**

WHEREAS, the Board of Commissioners believes that it is in the best interest of the people of Ingham County that vendors providing goods and services to Ingham County government conform to Ingham County's Equal Opportunity Employment/Nondiscrimination Policy; and

WHEREAS, the Board of Commissioners wishes to assure that vendors are aware of this policy; and

WHEREAS, the Board of Commissioners wishes to monitor compliance and to provide for sanctions or penalties in the event of non-compliance; and

WHEREAS, Resolutions #78-170 and #81-35 have served as the County's policy regarding the requirement that County vendors conform to Ingham County's Equal Opportunity Employment/Nondiscrimination Policy; and

WHEREAS, the Ingham County Board of Commissioners desires to consolidate and update this policy.

THEREFORE BE IT RESOLVED, that for the purposes of this policy, the following terms and phrases are defined as follows:

1. "Board" or "Board of Commissioners" means the Ingham County Board of Commissioners.
2. "Contract" means a purchase order or written agreement.
3. "Designee" means a County employee or other agent designated by the County Controller to act in his/her behalf."
4. "Designated Agent" means any officer, employee, commission, department, agency, or organization authorized or directed to conduct an investigation to determine if a violation of this policy has occurred.
5. "Ingham County government" means the commissions, offices, agencies, and departments of Ingham County government; to the courts funded by Ingham County; and to any other entity where the Board of Commissioners provides funds for goods and services.

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6. "Vendor" includes individuals, proprietorships, partnerships, corporations, trusts, associations, joint ventures, and other legal entities, either incorporated or unincorporated, however operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns thereof, who desire to contract with or who does contract with the County to provide goods and services for compensation including subcontractors of the vendor, but excluding County employees.

BE IT FURTHER RESOLVED, that it is the policy of the Board of Commissioners that all vendors who provide goods and services to Ingham County government by contract, shall, as a condition of providing goods and services, adhere to all Federal, State and local laws, ordinances, rules and regulations, and policies, if applicable, prohibiting discrimination in regard to persons to be served and employees and applicants for employment including, but not limited to, the following:

The Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended.

The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.

Section 504 of the Federal Rehabilitation Act of 1973, PL 93-112, 87 Stat 355, as amended, and rules adopted thereunder.

The Americans with Disabilities Act of 1990, PL 101-336, 104 Stat 327 (42 USCA § 12101 et seq.), as amended, and regulations promulgated thereunder.

BE IT FURTHER RESOLVED, that it is the policy of the Board of Commissioners that all vendors shall, as a condition of providing goods and services, as required by law and/or the County's Equal Opportunity Employment/Nondiscrimination Policy, not discriminate against persons to be served or an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, sexual orientation, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation.

BE IT FURTHER RESOLVED, that vendors registering to provide goods and services to Ingham County under contract shall certify to their knowledge of the County's policy, and of their agreement to comply, and shall disclose any conclusive findings of violations of federal, state, or local equal opportunity statutes, ordinances, rules/regulations, or policies within the past three (3) years.

BE IT FURTHER RESOLVED, that notice of the requirements of this policy shall be included in all formal Requests for Proposals or Bids issued by Ingham County for goods and services, that for statistical purposes only County vendors responding to formal requests for proposals or bids should provide statistical information regarding their workforce diversity, and the vendors shall certify their knowledge of the County's policy and disclose any conclusive findings of violations of federal, state, or local equal opportunity statutes, ordinances, rules/regulations, or policies within the past three (3) years.

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BE IT FURTHER RESOLVED, that all purchase orders issued for goods and services shall contain notice of the requirements of this policy, and shall state that acceptance of the purchase order by the vendor shall constitute agreement to comply with the policy.

BE IT FURTHER RESOLVED, that all contracts entered into for goods and services shall contain the requirements of this policy.

BE IT FURTHER RESOLVED, that Ingham County shall request current vendors and those who wish to be included in the County's vendors list on a voluntary basis to indicate if they are more than 50% minority, women, handicapper or veteran owned. The minority classification shall be those of the 2000 U.S. Census of Population; Black, Hispanic, Native American or Asian Pacific Islander.

BE IT FURTHER RESOLVED, that where there has been a conclusive finding that a vendor has violated federal, state or local equal opportunity statutes, ordinances, rules/regulations, or policies, that vendor shall be barred from providing goods and services to Ingham County for five (5) years from the date that a determination of the violation has been made in accordance with applicable statutes, ordinances, rules/regulations, or policies or from the date that such determination becomes known, unless a specific exemption is granted by the Board of Commissioners.

BE IT FURTHER RESOLVED, that violation of federal, state, or local equal opportunity statutes, ordinances, rules/regulations, or policies during the course of time during which the vendor is providing goods or services to the County shall be regarded as a material breach of any contract between the County and the vendor, and the County may terminate such contract effective as of the date of delivery of written notification to the vendor.

BE IT FURTHER RESOLVED, that any employee of a vendor providing goods and services by contract to the County, or any employee of a subcontractor of a vendor providing goods and services to the County by contract, or any bona fide organization representing such employees may file a written complaint with the Board or its designated agent, if any, challenging the compliance by a vendor with the terms of this policy, the Board or its designated agent shall then conduct an investigation to determine whether the policy has been violated.

BE IT FURTHER RESOLVED, that a vendor found to have retaliated in violation of a federal or state law against an employee for filing a claim of violation of federal, state, or local equal opportunity statutes, ordinances, rules/regulations, or policies shall be ineligible to provide any goods or services to Ingham County government for a period of five (5) years from the date of such finding.

BE IT FURTHER RESOLVED, that the Board of Commissioners encourages all other agencies of the County to adopt this or a similar policy for all goods and services purchased by contract.

**ADOPTED - DECEMBER 10, 2002**

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BE IT FURTHER RESOLVED, that the County Controller or designee, or designated agent, shall be responsible for monitoring implementation of and compliance with the provisions of this policy where the goods and services are provided through the authorization of the Board of Commissioners.

BE IT FURTHER RESOLVED, that where another specific agency of the County is designated as responsible for obtaining goods and services, that agency shall be responsible for monitoring implementation of and compliance with the provisions of this policy.

BE IT FURTHER RESOLVED, in the event that certain goods and services must be purchased in order to allow the ongoing operation of Ingham County government, but the agreement to comply with the County's policy cannot be obtained in a timely manner, then the County Controller or designee, or other designated agent, is authorized to proceed with the necessary purchase; provided however, that if agreement to comply with the policy is not forthcoming within a reasonable time, then additional goods and services shall not be obtained, and the vendor shall be prohibited from providing goods and services to Ingham County, for five (5) years unless specific authorization is given by the Board of Commissioners.

BE IT FURTHER RESOLVED, that no less than annually, the County Controller or designee shall provide the appropriate committee of the Board of Commissioners and the Equal Opportunity Committee the status of compliance by vendors with this policy and recommendations of amendments to this policy.

BE IT FURTHER RESOLVED, that Resolutions #78-170 and #81-35, or the provisions of other resolutions which are inconsistent with this policy, are hereby rescinded.

BE IT FURTHER RESOLVED, that Resolution #91-187 adopting the County of Ingham Equal Opportunity Employment Plan be amended to replace the section entitled RE: PURCHASING AND CONTRACTING POLICY, page 9, with this policy.

**ADMINISTRATIVE SERVICES/PERSONNEL: Yeas:** Swope, Lynch, De Leon, Celentino  
**Nays:** None Absent: Severino **Approved 11/19/02**

**FINANCE: Yeas:** Stid, Krause, Swope, Hertel  
**Nays:** Schafer Absent: Grebner, Minter **Approved 11/20/02**

**ADOPTED - MARCH 25, 2003**

Introduced by the County Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AMENDING RESOLUTION #02-283 (REQUIRING COUNTY VENDORS TO CONFORM TO THE INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT/NONDISCRIMINATION POLICY)**

**RESOLUTION #03-71**

WHEREAS, the Board of Commissioners believes that it is in the best interest of the people of Ingham County that vendors providing goods and services to Ingham County government conform to Ingham County's Equal Opportunity Employment/Nondiscrimination Policy; and

WHEREAS, in Resolution #02-283 the Board of Commissioners adopted the policy of the Board of Commissioners that all vendors who provide goods and services to Ingham County government by contract, shall, as a condition of providing goods and services, adhere to all Federal, State and local laws, ordinances, rules and regulations, and policies, if applicable, prohibiting discrimination in regard to persons to be served and employees and applicants for employment; and

WHEREAS, the Board of Commissioners wishes to amend this policy to encourage its vendors to develop and maintain a diverse workforce that is reflective of the Ingham County population.

THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby amends Resolution #02-283 by adding the following:

"BE IT FURTHER RESOLVED, that it is the policy of Ingham County to encourage its vendors to develop and maintain a diverse workforce that is reflective of the Ingham County population."

BE IT FURTHER RESOLVED, that notice of the requirements of this policy shall be included in all formal Requests for Proposals or Bids issued by Ingham County for goods and services.

**COUNTY SERVICES: Yeas:** Celentino, Holman, De Leon, Schor, Severino

**Nays:** None **Absent:** Nevin **Approved 3/18/03**

**FINANCE: Yeas:** Grebner, Swope, Dedden, Hertel, Thomas

**Nays:** Minter **Absent:** None **Approved 3/19/03**

**ADOPTED - July 22, 2003**

Introduced by the County Services and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AMENDING RESOLUTION #02-283 (REQUIRING COUNTY VENDORS TO CONFORM TO THE INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT/NONDISCRIMINATION POLICY)**

**RESOLUTION #03-183**

WHEREAS, the Board of Commissioners believes that it is in the best interest of the people of Ingham County that vendors providing goods and services to Ingham County government conform to Ingham County's Equal Opportunity Employment/Nondiscrimination Policy; and

WHEREAS, in Resolution #02-283 the Board of Commissioners adopted the policy of the Board of Commissioners that all vendors who provide goods and services to Ingham County government by contract, shall, as a condition of providing goods and services, adhere to all federal, state and local laws, ordinances, rules and regulations, and policies, if applicable, prohibiting discrimination in regard to persons to be served and employees and applicants for employment; and

WHEREAS, in Resolution #03-71, the Board of Commissioners amended this policy to encourage its vendors to develop and maintain a diverse workforce that is reflective of the Ingham County population; and

WHEREAS, the Board of Commissioners wishes to amend this policy to address situations in which the goods or services of an out of state vendor are utilized.

THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby amends Resolution #02-283 by adding the following:

"BE IT FURTHER RESOLVED, upon approval of the County Controller, if an out of state vendor is selected, the contract may alternatively state that the vendor shall, as a condition of providing goods and services, specifically adhere to all federal, state, and local laws, ordinances, rules and regulations, and policies prohibiting discrimination in regard to persons to be served and employees and applicants for employment including, but not limited to the following:

1. Civil Rights Act of 1964, 42 USCA 2000d, as amended.
2. Equal Employment Opportunity Act of 1972, 42 USCA 2000e
3. Section 504 of the Federal Rehabilitation Act of 1973, PL 93-112, 87 Stat 355, as amended, and rules adopted thereunder.
4. The Americans with Disabilities Act of 1990, PL 101-336, 104 Stat 327 (42 USCA § 12101 et seq.), as amended, and regulations promulgated thereunder."

**ADOPTED - July 22, 2003**

**RESOLUTION #03-183**

BE IT FURTHER RESOLVED, that an out of state vendor shall be required to adhere to all other requirements of the Ingham County Equal Opportunity Employment/Nondiscrimination Policy including but not limited to, not discriminating against persons to be served or an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, sexual orientation, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation.

BE IT FURTHER RESOLVED, that notice of the requirements of this policy shall be included in all formal Requests for Proposals or Bids issued by Ingham County for goods and services.

**COUNTY SERVICES:** Yeas: Celentino, Holman De Leon, Schor

**Nays:** None **Absent:** Severino, Nevin **Approved 7/15/03**

**FINANCE:** Yeas: Grebner, Hertel, Thomas, Minter

**Nays:** None **Absent:** Swope, Dedden **Approved 7/16/03**

***ADOPTED - JULY 27, 2004***  
**Agenda Item No. 32**

Introduced by the County Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO ADOPT A REVISED EQUAL OPPORTUNITY EMPLOYMENT  
PLAN**

**RESOLUTION #04-219**

WHEREAS, Ingham County has been committed and maintains its commitment to equal opportunity and non-discrimination for all persons; and

WHEREAS, this commitment is reflected in an Equal Opportunity Plan which was adopted several years ago by the Board of Commissioners and voluntarily adopted by countywide elected officials and courts; and

WHEREAS, the current Equal Opportunity Employment Plan was last reviewed in total in 1991 and is in need of revision, and

WHEREAS, the Equal Opportunity Committee has devoted much time and effort in developing a proposed updated and revised Equal Opportunity Plan; and

WHEREAS, changes to the proposed revised Plan have been made based on comments and suggestions made by Commissioners, countywide elected officials and Chief Judges, county department heads, and legal counsel; and

WHEREAS, the revised plan re-emphasizes the County Board's goal to recruit and maintain a diverse workforce based on the general characteristics of its population in an effort to provide the highest quality of service to its constituents, as well as to provide equal opportunity in its employment on the basis of merit and fitness, regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, height, weight, marital status, age or political affiliation (except where age, sex or lack of disability constitutes a bona fide occupational qualification); and

WHEREAS, it also emphasizes that the County will pursue an aggressive recruitment and personnel development program in order to maintain a highly qualified and diverse work force; and

WHEREAS, the Board of Commissioners urges the support of this plan by all offices and agencies of the county;

THEREFORE, BE IT RESOLVED that the Ingham County Board of Commissioners hereby adopts the attached revised Equal Opportunity Employment Plan which rescinds all prior Equal Opportunity Employment Plans adopted by the Board of Commissioners;

**RESOLUTION #04-219**

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners hereby rescinds the following resolutions:

73-263	Resolution to Create an Equal Opportunity Committee
75-130	A Resolution to Adopt Equal Opportunity Policy III Prohibiting Harassment or Interference with Employee Right to Complain
77-338	A Resolution to Adopt to an Affirmative Action Plan for the County of Ingham
77-197	Resolution Changing Appointment of Equal Opportunity Committee Members
78-170	A Resolution to Supplement, Amend and Restate Its Policies on Equal Opportunity and Non-Discrimination by the County of Ingham
81-35	Resolution to Make Ingham County an Equal Opportunity/Affirmative Action Employer
81-102	Resolution Adopting the Ingham County Sexual Harassment Policy
87-93	Resolution to Adopt an Equal Opportunity Employment Plan
91-187	Resolution to Adopt an Equal Opportunity Employment Plan

BE IT FURTHER RESOLVED, that Resolution #02-283 entitled "Resolution Requiring County Vendors to Conform to the Ingham County Equal Opportunity Employment/Nondiscrimination Policy" shall be amended to include "gender identity" in the second BE IT FURTHER RESOLVED clause as follows:

BE IT FURTHER RESOLVED, that it is the policy of the Board of Commissioners that all vendors shall, as a condition of providing goods and services, as required by law and/or the County's Equal Opportunity Employment/Nondiscrimination Policy, not discriminate against persons to be served or an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, sexual orientation, gender identity, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners directs that all county departments and agencies under the jurisdiction of the Board of Commissioners shall be bound by this plan and shall work to further the achievement of the stated goals;

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners requests and encourages all county wide elected officials and Chief Judges to voluntarily adopt this plan and to work to further the achievement of the stated goals, as they have done with prior plans;

BE IT FURTHER RESOLVED, that each county wide elected official or Chief Judge who does not voluntarily adopt this plan is to provide the County Board of Commissioners with their written

**ADOPTED - JULY 27, 2004**

**RESOLUTION #04-219**

policies regarding Equal Opportunity and Non-discrimination, including sexual harassment, in order to promote equal opportunity and non-discrimination in the county workforce and to minimize potential legal and financial penalties to their offices, the County Board of Commissioners, and the taxpayers of Ingham County;

BE IT FURTHER RESOLVED, that the Board of Commissioners encourages all other entities within the county government to have equal opportunity and non-discrimination policies reflective of the goals set forth in this plan;

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners commends the Equal Opportunity Committee for its time and effort devoted to revising and updating this Plan.

BE IT FURTHER RESOLVED, that the County Clerk is directed to send a copy of this resolution and Equal Opportunity Plan to each department head, countywide elected official, Chief Judge, and other agency within the county government.

**COUNTY SERVICES: Yeas:** Swope, Thomas, De Leon, Hertel

**Nays:** Severino, Nevin

**Absent:** None

**Approved 7/20/04**

**FINANCE: Yeas:** Lynch, Grebner, Dedden De Leon, Thomas

**Nays:** None

**Absent:** Minter

**Approved 7/21/04**