

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 2.72.030,
ALL RELATING TO EQUAL OPPORTUNITY CONTRACT
COMPLIANCE PROGRAM

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 2.72.030 of the Long Beach Municipal Code is
hereby amended to read as follows:

2.72.030 Definitions.

The following words and phrases shall be construed as defined in
this section unless from the context a different meaning is indicated and
more particularly directed to use of such words and phrases:

A. "Affirmative action" means the taking of positive steps by the
contractor or subcontractor to insure that its practices and procedures
promote and effectuate employment retention and advancement of a
particular class or category of persons generally described by race, color,
religion, sex, ancestry, national origin, age and handicap. The action may
involve the concept, when applicable of remedying the continuing effects
of past discrimination.

B. "Affirmative action plan" means a written statement executed by
the contractor which declares the contractor's policy for equal opportunity
and affirmative action practices and is signed by an authorized managing
official of the contractor. The plan declares the means and method of
policy implementation and identifies the management level person

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1 responsible for the implementation of the plan. It contains a work force
2 analysis of the race, ethnic, and sex grouping of persons within the
3 contractor's work force by Equal Employment Opportunity -1 (EEO-1) job
4 categories as designated by the Equal Employment Opportunity
5 Commission and the Office of Federal Contract Compliance Programs.
6 Minorities are defined for this purpose as persons of the following racial
7 and ethnic groups: Black (negroes), Hispanic (including persons of
8 Mexican, Puerto Rican, Cuban, Central or South American, or other
9 Spanish origin or culture regardless of race), Asians (including Pacific
10 Islanders), American Indians (including Alaskan natives). It contains a
11 utilization analysis as a comparison between the contractor's work force
12 and the labor market availability (see definition under subsection I of this
13 section).

14 It declares the contractor's goals and timetables for eliminating
15 deficiencies as indicated by the utilization analysis. It further declares the
16 corrective action measures as affirmative steps the contractor will take to
17 meet established goals.

18 C. "Contract" means any agreement, franchise or lease, including
19 agreements for any occasional professional or technical personal services
20 for the performance of any work or service, the provision of any material or
21 supplies or the rendition of any service to or for the city, which is let,
22 awarded or entered into with or on behalf of the city.

23 D. "Contractor" means any person, firm, corporation, or any
24 combination thereof, which submits a bid or enters into any contract with
25 the city.

26 E. "Employment practices" means any practice involving the
27 recruitment of applicants, the selection of employees, the training of
28 employees, the compensation of employees directly or indirectly, the

1 promotion, demotion, layoff, suspension, termination of employees, or any
2 other practice relating to employees in their work-related activities.

3 F. "Employment action plan" is a written statement executed by the
4 contractor which declares the contractor's policy and the assignment of
5 responsibility to a top management person to implement the plan to hire
6 unemployed residents of Long Beach in the performance of the contract. It
7 further declares a numerical goal of employed residents by job
8 classification which the contractor will employ and the steps the contractor
9 will take to achieve the goal.

10 G. "Equal opportunity" means that opportunity which must be
11 extended to all persons to participate in all activities, employment,
12 programs or services in like proportions to their representation in the labor
13 market or service area, as applicable.

14 H. "Equal service certification" means a written statement executed
15 by the contractor in which the contractor certifies and agrees that he will
16 not discriminate against any person in the provision of any service activity
17 or in any program funded in whole or in part by the city, because of race,
18 color, religion, national origin, ancestry, sex, gender identity, age or
19 handicap, except where such exclusion is a bona fide service activity or
20 programmatic necessity.

21 I. "Labor market availability" means the total recorded number of
22 persons who are employed or unemployed and seeking work within the
23 Standard Metropolitan Statistical Area (S.M.S.A.) as defined in the
24 Department of Commerce, Bureau of Budget Publication, "Standard
25 Metropolitan Statistical Areas," 1967, U.S. Government Printing Office,
26 Washington, D.C. 20402, and which is applicable to the contractor's work
27 force.

28 J. "Service activity" means any program or activity which promotes

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the city as a creative, active and socially responsive community.

K. "Subcontractor" means any person, firm, corporation or any combination thereof, which enters into a contract with a contractor to perform or provide a portion or part of any contract with the city.

Section 2. The City Clerk shall certify to the passage of this Ordinance by the City Council and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day after it is approved by the Mayor.

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2008, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____

Mayor

ATTACHMENT A
REDLINED VERSION

2.72.030 Definitions.

The following words and phrases shall be construed as defined in this section unless from the context a different meaning is indicated and more particularly directed to use of such words and phrases:

A. "Affirmative action" means the taking of positive steps by the contractor or subcontractor to insure that its practices and procedures promote and effectuate employment retention and advancement of a particular class or category of persons generally described by race, color, religion, sex, ancestry, national origin, age and handicap. The action may involve the concept, when applicable of remedying the continuing effects of past discrimination.

B. "Affirmative action plan" means a written statement executed by the contractor which declares the contractor's policy for equal opportunity and affirmative action practices and is signed by an authorized managing official of the contractor. The plan declares the means and method of policy implementation and identifies the management level person responsible for the implementation of the plan. It contains a work force analysis of the race, ethnic, and sex grouping of persons within the contractor's work force by Equal Employment Opportunity -1 (EEO-1) job categories as designated by the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs. Minorities are defined for this purpose as persons of the following racial and ethnic groups: Black (negroes), Hispanic (including persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish origin or culture regardless of race), Asians (including Pacific

1 Islanders), American Indians (including Alaskan natives). It contains a
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3 and the labor market availability (see definition under subsection I of this
4 section).

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6 deficiencies as indicated by the utilization analysis. It further declares the
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10 agreements for any occasional professional or technical personal services
11 for the performance of any work or service, the provision of any material or
12 supplies or the rendition of any service to or for the city, which is let,
13 awarded or entered into with or on behalf of the city.

14 D. "Contractor" means any person, firm, corporation, or any
15 combination thereof, which submits a bid or enters into any contract with
16 the city.

17 E. "Employment practices" means any practice involving the
18 recruitment of applicants, the selection of employees, the training of
19 employees, the compensation of employees directly or indirectly, the
20 promotion, demotion, layoff, suspension, termination of employees, or any
21 other practice relating to employees in their work-related activities.

22 F. "Employment action plan" is a written statement executed by the
23 contractor which declares the contractor's policy and the assignment of
24 responsibility to a top management person to implement the plan to hire
25 unemployed residents of Long Beach in the performance of the contract. It
26 further declares a numerical goal of employed residents by job
27 classification which the contractor will employ and the steps the contractor
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5 H. "Equal service certification" means a written statement executed
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15 Department of Commerce, Bureau of Budget Publication, "Standard
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22 combination thereof, which enters into a contract with a contractor to
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