

ORDINANCE NO. 11752

8-29-67
Jeter + set
for 9-12-67

AN ORDINANCE PROHIBITING DISCRIMINATION IN EMPLOYMENT PRACTICES OF EITHER THE CITY OF OKLAHOMA CITY OR ANY CONTRACTOR DURING THE PERFORMANCE OF ANY CONTRACT BETWEEN THE CITY OF OKLAHOMA CITY AND SAID CONTRACTOR; AUTHORIZING THE COMMUNITY RELATIONS COMMISSION OF THE CITY OF OKLAHOMA CITY TO RECEIVE, INVESTIGATE, AND CONCILIATE COMPLAINTS OF EMPLOYMENT DISCRIMINATION; PRESCRIBING ENFORCEMENT PROCEDURES; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. No Head of any Department, official, agent, or employee of The City of Oklahoma City, Oklahoma, or any department thereof acting for or on behalf of said City in any manner involving employment by said City shall discriminate against any person otherwise qualified in employment or in tenure, terms, or conditions of employment; or offer employment based upon such discrimination; or adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or seek information relating to race, creed, color, sex, national origin or ancestry for any person or employee as a condition of employment, tenure, term or in connection with conditions of employment, promotion or increase in compensation; or discriminate in the selection of personnel training. All departments of City government shall make reports to the City Manager at not less than six month intervals and at such other times as designated by him, showing compliance with the intent of this Ordinance. Willful violation of this section by any person within the division of Public Management shall constitute grounds for appropriate disciplinary action or termination by the City Manager.

SECTION 2. No contract shall be awarded to any contractor or subcontractor until such time as said contractor or subcontractor has executed an approved form of a Certificate of Non-Discrimination to insure that employees are treated without regard to their race, creed, sex, color, national origin or ancestry. Such Certificate shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor and subcontractor shall agree to post, in a conspicuous place available to employees and applicants for employment, notices to be provided by the City Clerk setting forth provisions of this section.

SECTION 3. The Community Relations Commission of the City of Oklahoma City shall receive, investigate, and conciliate complaints of discrimination or other violations of this Ordinance. After the filing of a written verified complaint with the Community Relations Commission by an aggrieved individual, the said Commission shall investigate the same and in the event that said investigation reveals that probable cause exists of violations of any of the provisions as set out in Sections 1 and 2, said Community Relations Commission shall immediately endeavor to eliminate said unlawful practice by conference and conciliation. In the event that conciliation fails to eliminate said practices, the Community Relations Commission shall hold a hearing, as provided for hereinafter.

SECTION 4. The hearing provided for herein shall be a public hearing and the Commission shall have the power and duty

to subpoena witnesses and require their attendance, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question.

SECTION 5. The procedure for said public hearing shall be as follows:

(a) Any person aggrieved by a discriminatory practice prohibited by this Ordinance may file with the Commission a complaint in writing under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this Ordinance, and shall further set forth the particulars of said violation and may include such other information as may be required by the Commission. Complaints filed under this section must be filed within thirty (30) days after the alleged violation and failure to file within said time shall be considered a waiver of the application of this Ordinance

(b) A respondent may file a verified written answer to the complaint and appear at the hearing on said complaint in person or by legal counsel.

(c) The Commission, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer and the testimony taken at said hearing shall be under oath and shall be transcribed at the request of either party or at the direction of the Commission.

(d) At the conclusion of said hearing said Commission shall make its findings of facts and forward same to the City Council together with its recommendations.

SECTION 6. In the event the City Council concurs in the findings of the Commission that the contractor or subcontractor has failed to comply with the non-discrimination clause of his contract, said contract shall be cancelled, terminated or suspended in whole or in part by the City Council; and the contractor or subcontractor shall be declared by the City Council ineligible for further contracts with the City of Oklahoma City, until satisfactory proof of intent to comply shall be made to the City Council.

SECTION 7. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health and safety of Oklahoma City, and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of The City of Oklahoma City this 12 day of September, 1967.

APPROVED by the Mayor of The City of Oklahoma City this 12 day of September, 1967.

James V. Perick
MAYOR

ATTEST:

[Signature]
CITY CLERK

APPROVED as to form and legality this 24th day of August, 1967.

[Signature]
Assistant Municipal Counselor

CERTIFICATE OF NON DISCRIMINATION

In connection with the performance of work under this contract, the contractor agrees as follows:

- A. The contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, or ancestry. The contractor shall take affirmative action to insure that employees are treated without regard to their race, creed, color, national origin, sex, or ancestry. Such actions shall include, but not be limited to the following; employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, lay-off, or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor and sub-contractor shall agree to post in a conspicuous place, available to employees and applicants for employment, notices to be provided by the City Clerk of the City of Oklahoma City setting forth provisions of this section.
- B. In the event of the contractor's non-compliance with this non-discrimination clause, the contract may be cancelled or terminated by the City Council. The contractor may be declared by the City Council ineligible for further contracts with the said agency until satisfactory proof of intent to comply shall be made by the contractor.
- C. The contractor agrees to include this non-discrimination clause in any subcontracts connected with the performance of this agreement.

I have read the above stated clause and agree to abide by its requirements.

CONTRACTOR

ATTEST;

SECRETARY

R E S O L U T I O N

A RESOLUTION ESTABLISHING A STANDARD SPECIFICATION FOR ALL CONTRACTS BETWEEN THE CITY OF OKLAHOMA CITY AND ANY PERSON, FIRM OR CORPORATION TO PROHIBIT DISCRIMINATION IN EMPLOYMENT PRACTICES DURING THE PERFORMANCE OF SUCH CONTRACTS.

WHEREAS, on August 1, 1967, the Council of The City of Oklahoma City appointed a Special Committee on Racial Aspects of Community Progress and on August 8, 1967, the Council received a report from said Committee; and

WHEREAS, said Committee Report recommends that immediate action be taken by the City Council in form of a Resolution to prohibit racial discrimination in the employment practices of persons, firms, or corporations contracting with the City of Oklahoma City during the performance of such contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY that in all contracts hereafter entered into with The City of Oklahoma City, Oklahoma, or any of its contracting agencies or departments, there shall be included standard provisions or specifications to the following effect:

1. During the performance of the contract the contractor agrees not to discriminate, because of race, creed, sex, color, national origin, or ancestry, against any employee or applicant for employment with such contractor, in any matter involving employment, promotion, demotion, transfer, recruiting, advertising, layoff, termination of employment, rates of pay or other form of compensation, selection for training or apprenticeship;
2. The Contractor agrees to post such notices as are provided by the City Clerk, which notices shall set forth the requirements of the foregoing provision and which notices shall be posted in conspicuous places accessible to all employees of the Contractor during the performance of the Contract with the City;
3. The Contractor agrees to cooperate with the Community Relations Commission of The City of Oklahoma City in any investigation or conciliation effort of said Commission authorized by City Ordinance;
4. The Contractor agrees that the foregoing provisions shall be included as requirements of his subcontractors in any sub-contracts between the Contractor and any of his subcontractors for work to be done or materials or equipment to be furnished incidental to the primary Contractor's performance of his contract with the City;
5. The Contractor's or Subcontractor's noncompliance with or violation of any of the aforesaid provisions shall constitute grounds for cancellation, termination, or suspension of the City's Contract with the Contractor in whole or in part by the City Council.
6. The Contractor agrees to execute an approved form of a certificate of Non-Discrimination.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY that, in the event of a Contractor's or subcontractor's noncompliance with any of the foregoing provisions it shall be the policy of the City Council to declare such person, firm, or corporation ineligible for further Contracts with the City until the Council has received and is satisfied with evidence of the intention of such person, firm, or corporation to comply with the aforesaid provisions.

PASSED by the Council of The City of Oklahoma City and APPROVED by the Mayor of The City of Oklahoma City this 12 day of September, 1967.

James H. Norick
MAYOR

ATTEST:

Ray Long
CITY CLERK

APPROVED as to form and legality
this 11th day of Sept,
1967.

Biles K. Ratcliff
Assistant Municipal Counselor

8-22-67
Intro.

See
Revised
ord.

ORDINANCE NO. _____

AN ORDINANCE PROHIBITING DISCRIMINATION IN EMPLOYMENT PRACTICES OF EITHER THE CITY OF OKLAHOMA CITY OR ANY CONTRACTOR DURING THE PERFORMANCE OF ANY CONTRACT BETWEEN THE CITY OF OKLAHOMA CITY AND SAID CONTRACTOR; AUTHORIZING THE COMMUNITY RELATIONS COMMISSION OF THE CITY OF OKLAHOMA CITY TO RECEIVE, INVESTIGATE, AND CONCILIATE COMPLAINTS OF EMPLOYMENT DISCRIMINATION; PRESCRIBING ENFORCEMENT PROCEDURES; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. No Head of any Department, official agent, or employee of the City of Oklahoma City, Oklahoma, or any department thereof acting for or on behalf of said City in any manner involving employment by said City shall discriminate against any person otherwise qualified in employment or in tenure, terms, or conditions of employment; or offer employment based upon such discrimination; or adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or seek information relating to race, creed, color, national origin or ancestry for any person or employee, as a condition of employment, tenure, term or in connection with conditions of employment, promotion or increase in compensation; or discriminate in the selection of personnel training. All departments of City government shall make reports to the City Manager at times designated by him, showing compliance with the intent of this Ordinance. *6 mo?*

SECTION 2. No contract shall be awarded to any contractor or subcontractor until such time as said contractor or subcontractor has executed an approved form of a Certificate of Non-Discrimination to insure that employees are treated without regard to their race, creed, color, national origin or ancestry. Such Certificate shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor and subcontractor shall agree to post, in a conspicuous place available to employees and applicants for employment, notices to be provided by the City Clerk setting forth provisions of this section. *see?*

SECTION 3. The Community Relations Commission of the City of Oklahoma City shall receive, investigate, and conciliate complaints of discrimination or other violations of this Ordinance. After the filing of a written verified complaint with the Community Relations Commission by an aggrieved individual, the said Commission shall investigate the same and in the event that said investigation reveals that probable cause exists of violations of any of the provisions as set out in Section 1, said Community Relations Commission shall immediately endeavor to eliminate said unlawful practice by conference and conciliation.

In the event that conciliation fails to eliminate said practices, the Community Relations Commission shall hold a hearing, as provided for hereinafter.

SECTION 4. The hearing provided for herein shall be a public hearing and the Commission shall have the power and duty to subpoena witnesses and require their attendance, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question.

SECTION 5. The procedure for said public hearing shall be as follows:

(a) Any person aggrieved by a discriminatory practice prohibited by this Ordinance may file with the Commission a complaint in writing under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this Ordinance, and shall further set forth the particulars of said violation and may include such other information as may be required by the Commission. Complaints filed under this section must be filed within thirty (30) days after the alleged violation and failure to file within said time shall be considered a waiver of the application of this Ordinance.

(b) A respondent may file a verified written answer to the complaint and appear at the hearing on said complaint in person or by legal counsel.

(c) The Commission, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer and the testimony taken at said hearing shall be under oath and shall be transcribed at the request of either party or at the direction of the Commission.

(d) At the conclusion of said hearing said Commission shall make its findings of facts and forward same to the City Council together with its recommendations.

SECTION 6. In the event of a finding that the contractor or subcontractor has failed to comply with the non-discrimination clause of his contract, said contract may be cancelled, terminated or suspended in whole or in part by the City Council; and the contractor or subcontractor may be declared by the City Council ineligible for further contracts with the City of Oklahoma City, until satisfactory proof of intent to comply shall be made to the City Council. *shall*

SECTION 7. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health and safety of Oklahoma City, and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this Ordinance *shall*

shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of The City of Oklahoma City this _____ day of _____, 1967.

APPROVED by the Mayor of The City of Oklahoma City this _____ day of _____, 1967.

~~_____
MAYOR~~

ATTEST:
~~_____
City Clerk~~

APPROVED as to form and legality this 22nd day of August, 1967.

Giles Klatt
Ass't. Municipal Counselor

Approved 11/27

300 # 11/27



THE UNIVERSITY OF OKLAHOMA

NORMAN, OKLAHOMA, 73069

August 28, 1967

Honorable James H. Norick,
Mayor of the City of Oklahoma City
and Members of the City Council
Municipal Building
200 North Walker
Oklahoma City, Oklahoma

Dear Mayor Norick, Councilmen and Mrs. Latting:

This letter is to report to you that I have as carefully and as professionally as possible studied and reviewed the proposed ordinance dealing with discrimination in employment. The following words of evaluation and support are offered to the best of my personal and professional ability.

As you certainly know, the City of Oklahoma City obtains it's revenue from all of it's citizens without regard to their color, ethnic background, or religious affiliation. With this revenue the City of Oklahoma City provides various public services to all of it's citizens. Discrimination in tax supported municipal departments, either internally or externally, is contradictory to the principles and foundations of our democratic society. As Mayor, City Councilmen and City Councilwoman, you certainly are aware of your responsibilities to see that your actions do not run counter to total freedom and equality for all people.

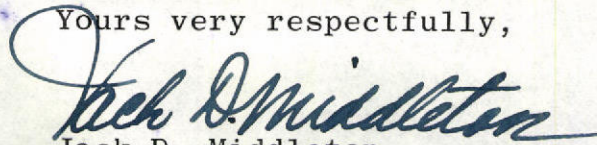
I would remind you that discrimination in employment in this day and time is painfully subtle. The more overt forms of yesterday's discrimination have been lost in today's "tokenism." We must now address ourselves to promotability, management, and supervisory opportunities and total assimilation. In order to effect and encourage these new opportunities in our society we must pass positive intentional ordinances.

Honorable James H. Norick,
and Members of the City Council
August 28, 1967
Page two

Oklahoma City, in my judgement, has one of the most conscientious and hard working Community Relations Commission's in the United States. It is my professional opinion that Oklahoma City's Commission is most capable of administering the ordinance if passed. This ordinance, I hope you will agree, is most needed to make our Capitol City in Oklahoma truly the All American City.

Mr. Mayor, Councilmen and Mrs. Latting, I sincerely beg for your support. Please feel free to call upon me or any of my staff associates if we can be of additional assistance.

Yours very respectfully,



Jack D. Middleton
Coordinator, Intergroup Relations Unit
Consultant in Community Relations

Southwestern Regional Director,
National Association of Intergroup
Relations Officials (NAIRO).

JDM:st

2 b 1+2 Rev'd 9-12-67



COMMUNITY ACTION PROGRAM OF OKLAHOMA CITY AND COUNTY, INC.

EUGENE MATHEWS
CHAIRMAN

WALTER O. MASON, JR.
EXECUTIVE DIRECTOR

4TH FLOOR-CENTER BUILDING
331 WEST MAIN
OKLAHOMA CITY, OKLAHOMA 73101

September 11, 1967

The Honorable James H. Norick
Mayor of Oklahoma City and
The City Council
of Oklahoma City
200 North Walker
Oklahoma City, Oklahoma

Dear Mayor Norick:

May I personally commend you and the City Council of Oklahoma City, for your efforts to develop a city ordinance prohibiting discrimination in employment practices of either the City of Oklahoma City or any contractor during the performance of any contract between the City of Oklahoma City and said contractor.

I judge this as another progressive act to help make Oklahoma City more the ideal community in which to live. I commend your courage and support your action in every way.

Please call on the Community Action Programs to assist in the implementation of this ordinance. We realize that a city cannot change and grow in part; there is work to be done in all areas. Please let us help.

Sincerely,

Walter O. Mason
Executive Director

WOM:paa

(69140A)

(Published in The Daily Law Journal-Record September 13, 1967)

ORDINANCE NO. 11,752

AN ORDINANCE PROHIBITING DISCRIMINATION IN EMPLOYMENT PRACTICES OF EITHER THE CITY OF OKLAHOMA CITY OR ANY CONTRACTOR DURING THE PERFORMANCE OF ANY CONTRACT BETWEEN THE CITY OF OKLAHOMA CITY AND SAID CONTRACTOR; AUTHORIZING THE COMMUNITY RELATIONS COMMISSION OF THE CITY OF OKLAHOMA CITY TO RECEIVE, INVESTIGATE, AND CONCILIATE COMPLAINTS OF EMPLOYMENT DISCRIMINATION; PRESCRIBING ENFORCEMENT PROCEDURES; AND DECLARING AN EMERGENCY.

Emergency Ordinance
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. No Head of any Department, official, agent, or employee of The City of Oklahoma City, Oklahoma, or any department thereof acting for or on behalf of said City in any manner involving employment by said City shall discriminate against any person otherwise qualified in employment or in tenure, terms, or conditions of employment; or offer employment based upon such discrimination; or adopt or enforce any rule or employment policy which discriminates between employees or prospective employees; or seek information relating to race, creed, color, sex, national origin or ancestry for any person or employee as a condition of employment, tenure, term or in connection with conditions of employment, promotion or increase in compensation; or discriminate in the selection of personnel training. All departments of City government shall make reports to the City Manager at not less than six month intervals and at such other times as designated by him, showing compliance with the intent of this ordinance. Willful violation of this section by any person within the division of Public Management shall constitute grounds for appropriate disciplinary action or termination by the City Manager.

SECTION 2. No contract shall be awarded to any contractor or subcontractor until such time as said contractor or sub-contractor has executed an approved form of a Certificate of Non-Discrimination to insure that employees are treated without regard to their race, creed, sex, color, national origin or ancestry. Such Certificate shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruiting or recruitment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeship. The contractor and subcontractor shall agree to post, in a conspicuous place available to employees and applicants for employment, notices to be provided by the City Clerk setting forth provisions of this section.

SECTION 3. The Community Relations Commission of the City of Oklahoma City shall receive, investigate, and conciliate complaints of discrimination or other violations of this ordinance. After the filing of a written verified complaint with the Community Relations Commission by an aggrieved individual, the said Commission shall investigate the same and in the event that said investigation reveals that prob-

able cause exists of violations of any of the provisions as set out in Sections 1 and 2, said Community Relations Commission shall immediately endeavor to eliminate said unlawful practice by conference and conciliation. In the event that conciliation fails to eliminate said practices, the Community Relations Commission shall hold a hearing, as provided for hereinafter.

SECTION 4. The hearing provided for herein shall be a public hearing and the Commission shall have the power and duty to subpoena witnesses and require their attendance, administer oaths, and take the testimony of any person under oath relating to any matter under investigation or in question.

SECTION 5. The procedure for said public hearing shall be as follows:

(a) Any person aggrieved by a discriminatory practice prohibited by this Ordinance may file with the Commission a complaint in writing under oath. Said complaint shall be signed by the person claiming to be aggrieved, and shall state the name and address of the person alleged to have violated the provisions of this Ordinance, and shall further set forth the particulars of said violation and may include such other information as may be required by the Commission. Complaints filed under this section must be filed within thirty (30) days after the alleged violation and failure to file within said time shall be considered a waiver of the application of this Ordinance.

(b) A respondent may file a verified written answer to the complaint and appear at the hearing on said complaint in person or by legal counsel.

(c) The Commission, when conducting any hearing pursuant to this section, may permit amendments to any complaint or answer and the testimony taken at said hearing shall be under oath and shall be transcribed at the request of either party or at the direction of the Commission.

(d) At the conclusion of said hearing said Commission shall make its findings of facts and forward same to the City Council together with its recommendations.

SECTION 6. In the event the City Council concurs in the findings of the Commission that the contractor or subcontractor has failed to comply with the non-discrimination clause of his contract, said contract shall be cancelled, terminated or suspended in whole or in part by the City Council; and the contractor or subcontractor shall be declared by the City Council ineligible for further contracts with the City of Oklahoma City, until satisfactory proof of intent to comply shall be made to the City Council.

SECTION 7. Emergency, WHEREAS, it being immediately necessary for the preservation of the peace, health and safety of Oklahoma City, and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist, by reason whereof this Ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED by the Council of the City of Oklahoma City this 12th day of September, 1967.

APPROVED by the Mayor of the City of Oklahoma City this 12th day of September, 1967.

JAMES H. NORICK,
Mayor.

(Seal)
Attest: E. Ray Long, City Clerk.

in re: 5e

THE CITY OF OKLAHOMA CITY
COMMUNITY RELATIONS COMMISSION
Center Bldg. -- Central 1-2445
Oklahoma City, Okla. 73102

Arnold D. Fagin
Chairman

Orra G. Compton
Executive Director

August 15, 1967

The Honorable Mayor and
Members of the City Council

Dear Sirs and Mrs. Latting:

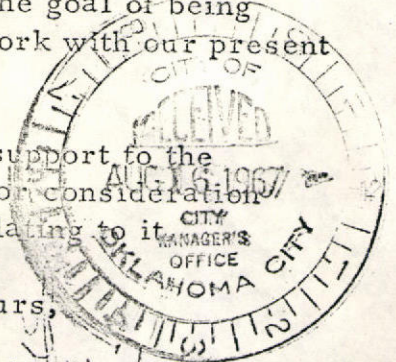
The Community Relations Commission is very appreciative of your efforts to accelerate the rate of progress in securing equal opportunities for minority citizens.

We especially commend the Committee on Racial Aspects of Community Progress; and we were delighted that their report recommended that the Council should establish a clear and positive policy regarding non-discrimination in City employment and in contracts with the City.

Nothing is more basic to the welfare of any person than the right and opportunity to hold a job commensurate with his ability. Inasmuch as Oklahoma City consists of people of every race, color, religion, and national origin to whom equal rights and opportunities rightfully belong, we firmly believe that the City should set the pace and lead the way in its business dealings involving the expenditure of tax funds.

You have received a copy of an ordinance which covers the two aspects of employment mentioned in the report. This proposed ordinance was developed after a comparative study of other cities was made. We deleted the punitive fines and penalties found in some of the ordinances of other cities, for we do not view this as punitive legislation. Its primary purpose is to encourage affirmative action in equal employment opportunities and to set up the procedure whereby the Community Relations Commission can work with employers doing business with the City to accomplish the goal of being an equal opportunity employer. We can do this additional work with our present staff.

The Commission and the staff will be happy to give support to the proposed ordinance when it is placed on the council docket for consideration and to give you any additional information that is desired relating to it.



Sincerely yours,

Arnold D. Fagin

Arnold D. Fagin, Chairman
Okla. City Community Relations Comm.

cc: Each City Council Member
R.M. Tinstman, City Manager