

ORDINANCE NO. 24-89

AN ORDINANCE TO AMEND CHAPTER 2 OF THE WEST LAFAYETTE
CITY CODE TO EXPAND PROVISIONS RELATIVE TO THE HUMAN
RELATIONS COMMISSION

WHEREAS, the City of West Lafayette has previously adopted an ordinance regulating the Human Relations Commission of the City of West Lafayette; and

WHEREAS, the need has arisen to expand the provisions of the Human Relations Commission;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of West Lafayette, Indiana, as follows:

Section 1. Sec. 2-30 of The City of west Lafayette Code is amended by substituting the following in place of the existing definitions section:

Sec. 2-30 Definitions.

Age includes any person who is at least forty (40) years of age.

Attorney means a person duly authorized and licensed by the State of Indiana or any other state to engage in the practice of law.

Commission means the City of West Lafayette Human Relations Commission.

Complainant means a person for or on whose behalf a complaint alleging unlawful discrimination has been filed or issued.

Disability means a mental or physical condition which constitutes a handicap.

Discriminate or discrimination includes any act, attempted act, policy or practice which results in the unequal treatment, separation or segregation of or which otherwise adversely affects any person who is a member of a class protected by this title, and for purposes of discrimination based upon sex it includes sexual harassment.

Educational institution means a public or private institution located or operating in the City of West Lafayette which performs educational services and includes an academy, college, university, elementary or secondary school, extension course, kindergarten, nursery school system, and a business, nursing, professional secretarial, technical or vocational school; and further includes any agent or employee of an educational institution.

Employ means to use or be entitled to use and benefit of the services of a person as an employee.

Employee includes all persons who seek to, apply to, or perform services for any employer for compensation, whether in the form of wages, salaries, commission or otherwise.

Employer includes any person within the City of West Lafayette who hires or employs any employee, and any person wherever situated who hires or employs any employee whose services are to be partially or wholly performed in the City of West Lafayette.

Employment means the state of being employed as an employee by an employer.

Employment agency means any person located or operating in the City of West Lafayette regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

Hearing committee means a committee of three (3) commissioners who have been designated by the chairperson of the commission to hear a complaint after a determination of probable cause.

Hire means to engage or contract for, or attempt to engage or contract for, the services of any person as an employee.

Labor organization includes any person, employee representation committee or plan in which employees participate, or any agent or employee thereof, which operates in the City of West Lafayette or whose members live or are employed in the City of West Lafayette

and which exists wholly or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment and shall include any conference, general committee, joint or system board, joint council.

National Origin means the place of birth of an individual or of any of the person's lineal ancestors.

Person includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, public bodies or public corporations, including but not limited to the City of West Lafayette or any department or unit thereof, any other legal or commercial entity, and any agent or employee of all the foregoing.

Public accommodations include all services or facilities, other than governmental, of any kind offered or located within the City of West Lafayette which are generally open or offered to the public or which generally solicit public patronage or usage, whether operated for profit or not.

Public Services include all activities, services or facilities offered to the public within the City of West Lafayette by any governmental agency or unit of government owned, operated or managed by any local, state or federal government.

Real estate broker shall mean a real estate broker and real estate salesperson as defined by IND. Code 25-34.1-1-2(2)

Real property means any right, title, interest in or to the possession, ownership, enjoyment of occupancy of any parcel or land in the City of West Lafayette, any building situated thereon, or any portion of such buildings.

Religious or denominational education institutions means an educational institution located or operating in the City of West Lafayette which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church through church representation on the board of the institution and through substantial church financial assistance to the institution, providing the institution has certified, in writing, to the commission that it is a religious or denominational educational institution; and further includes any agent or employee of such an institution.

Respondent means a person against whom a complaint alleging unlawful discrimination has been filed or issued.

Sex means the character of being male or female and encompasses, but is not limited to, pregnancy, childbirth, disabilities related to pregnancy or childbirth and sexual harassment.

Sexual harassment may include unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature when:

- (a) Submission to that conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services or the services of an educational institution; or
- (b) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;
- (c) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile, or offensive environment in regard to the services of a labor organization, employment, the services of an employment agency, real estate, the services of

a lending institution, public accommodations, public services, or the services of an educational institution; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Status with regard to public assistance means the conditions of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.

SECTION 2. Sec. 2-35 of the The City of West Lafayette City Code is amended by substituting the following in place of the existing powers and duties section:

Sec. 2-35 Powers and duties.

The human relations commission shall have the following powers and duties:

(1) To create subcommittees and advisory committees as in its judgement will aid in effectuating the purpose of this section.

(2) To issue such publications and such results of investigation and research as in its judgement will tend to minimize or eliminate discrimination because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance.

(3) To accept complaints for filing. Complaints of discrimination shall be received and investigated by the Human Relations Commission. To be acceptable, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint; together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within ninety days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the Human relations Commission for purposes of measuring the ninety-day limitation, as long as the complaint is otherwise within the Human Relations Commission's jurisdiction; provided further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the city Human relations Commission concerning any of the matters alleged in such complaint, except upon transfer of the case; provided, further, that the Human relations Commission shall have no jurisdiction over the state of any of its agencies, or over the City or any of its departments.

(4) To investigate each complaint properly filed. Upon the proper filing of a complaint, the chairperson of the Human Relations Commission shall appoint a member of the commission to investigate the complaint and determine whether there is probable cause to believe that a prohibited act of discrimination occurred. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefore, to the chairperson of the Commission for review of the finding. Upon the receipt of the request for review, the chairperson or chairperson's designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final.

(5) To schedule and conduct a conciliation conference. After a determination of probable cause, the chairperson may appoint a commissioner to undertake conciliation of all issues in the complaint. Prior to a public hearing to adjudicate the complaint, the Human Relations Commission shall schedule a conciliation conference. All parties shall attend any such conciliation conference.

(6) To schedule complaints for public hearings upon a determination of probable cause. The chairperson shall appoint a hearing committee or refer the case for hearing by the full commission. However, no commissioner who has participated in the determination of probable cause shall sit as a commissioner to hear a case.

(7) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint or testified in any hearing before the Commission or in any way assisted in any matter under investigation.

(8) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy during the investigation of the complaint; provided, however:

(a) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order:

(b) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless continued by the commission at the request of the respondent. At such hearing the complainant shall show that a failure to continue the temporary order would damage a remedy. The Commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive the hearing on the temporary emergency order without prejudice to the defense of the matters charged in the complaint, in which case the temporary order shall remain in effect pending final disposition of the complaint;

(c) The commission may be rule provide for issuance of its temporary order by a majority of the Commission, and it may compel compliance with any such temporary order by bringing in any circuit or superior court for prohibitory or mandatory injunction upon showing that such person is subject to the court's jurisdiction; resides or transacts business within the county in which the proceeding is brought, and that such injunction is necessary to protect the complainant's rights under this section until the complaint is resolved through conciliation or public hearing.

(9) To reduce the terms of conciliation agreed to by the parties in writing, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (8) of this section. If the commission determines that a party is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement, and the party is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought.

(10) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the circuit or superior court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the City; provided, however, that the payment of such penalty by a party shall not impair the commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require.

(11) To state its findings of fact after hearing which statement shall be made in a written opinion containing both the findings of fact and the principles of law applies. All written opinions shall be compiled and maintained as public record and, in making decisions, the Commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the Commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

(2) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the respondent to take such affirmative action including but not limited to hiring, reinstatement, and upgrading or employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity; provided, that this subsection shall not be construed to require any employer to modify physical accommodations or administrative procedures to accommodate a handicapped person.

(b) If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling, or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission.

(c) If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods, or access to property, instatement to membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant being denied equal opportunity.

(d) If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action including but not limited to a review and revision of school boundaries, revision of teaching aids, and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity.

(e) If upon all the evidence, the commission finds that a person has not engaged in any such unlawful practice or violation of this section, the Commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person.

(f) Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the circuit or superior courts. The scope of review shall be in accordance with the provisions set out in Ind. Code 22-9-1-12.1 If no proceeding to obtain judicial review is instituted within fifteen days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the city attorney or attorney representing the complainant to seek enforcement.

(12) to refer the complaint to the Indiana Civil Rights Commission for investigation and resolution.

SECTION 3. The City of West Lafayette Code is amended by inserting the following:

Sec. 3-32 Exemptions

- (a) General. This ordinance shall not apply to any governmental entity or agency other than the City of West Lafayette.
- (b) Employment. The provisions referred to in section 3-33(1), (2) and (3) shall not apply to or prohibit:
- (1) The employment of any individual by his or her parent, grandparent, spouse, child or grandchild, or in the domestic service of any person;
 - (2) Any religious corporation, association or society with respect to the hiring or employment of individuals of a particular religion, when religion shall be a bona fide occupational qualification for employment;
 - (3) An employer, employment agency or labor organization for requiring a person to undergo physical examination for the purpose of determining the person's capability to perform available employment; or from conducting an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment;
 - (4) The state of Indiana or any of its agencies.
- (c) Real estate. The provisions of section 2-33 (5), (6), and (7) shall not apply to or require:
- (1) Rental by an owner or occupier of a one-family accommodation, in which he or she resides, of a room or rooms in such accommodation to not more than one family, or not more than (2) persons unrelated to each other.
 - (2) Any person or group of persons selling, renting or leasing property to modify the property in any way or to exercise a higher degree of care of a person having a disability than a person who does not have a disability; nor shall this section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations on such lease, agreement, or contract.
- (d) Education
- (1) It is not unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion.
 - (2) The provisions of section 3-33(10) relating to sec shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll.
 - (3) Nothing in this section shall be construed to require any private educational institution to provide any special service to any person because of disability to such person or to modify in any manner its buildings, grounds, facilities, or admission procedures because of the disability of any such person.
 - (4) Nothing in this section shall prohibit an educational institution from requiring from applicants information which relates to academic qualifications or achievements.

- (e) Disability. Nothing in this section shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate than person.
- (f) Affirmative Action. Nothing in this section shall be interpreted as restricting the implementation of positive action programs to combat discrimination.

SECTION 4. The City of West Lafayette Code is amended by inserting the following:

Sec 3-33 Acts of discrimination specified. Without limitation, the following are declared to be unfair discrimination acts.

(1) Discrimination by a labor organization. Except when based on a bona fide occupational qualification, for any labor organization, because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance:

(a) To deny full and equal membership rights to an person seeking membership or to a member:

(b) To expel a member from membership;

(c) To discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(4) To fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) Discrimination in employment. except when based on a bona fide occupational qualification, for an employer because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance:

(a) To fail to hire or to maintain a system of employment which unreasonably excludes a person seeking employment;

(b) To discharge an employee; or

(c) To discriminate against a person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition or employment.

(3) Discrimination by an employment agency. Except when based on a bona fide occupational qualification, for an employment agency because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance;

(a) To refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) To comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this section.

(4) Discriminatory practices in furnishing employment information and employment advertising. except when based on a bona fide occupational qualification, for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization:

(a) To require a person to furnish information that pertains to race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance; unless:

(1) For the purpose of national security, information pertaining to national origin is required by the United States, this state, or political subdivision or agency of the United States or this state; or

(2) For the purpose of compliance with the Public Contract Act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance is required by the United States, this state, or a political subdivision or agency of the United States or this state; or

(3) To cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance.

(5) Discrimination in real estate. For an owner, lessee, sub-lessee, managing agent of, real estate broker, real estate salesperson or other person having to sell, rent or lease any property, or any agent or employee of any of these:

(a) To refuse to sell, rent, or lease, to offer for sale, rental or lease, or otherwise deny or withhold any real property to or from any person or group of persons or to refuse to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance;

(b) To represent that real property is not available for inspection, sale rental or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance;

(c) To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith because of the person's race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance;

(d) To print, circulate or post, or cause to be printed, circulated or posted, any advertisement or sign, or use any form of application for the purchase, rental or lease of any real property, or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly any limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance.

(6) Discriminatory representation by real estate brokers or real estate salespersons. For any real estate broker, or real estate salesperson, or any agent or employee thereof, for the purpose of inducing a real property transaction from which a person, that person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a

decline in the quality of schools or other public facilities.

(7) Discrimination in lending. For any person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance.

(a) To discriminate against any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith;

(b) To use any form of application for such financial assistance or make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any preference limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance or any intent to make any such preference, limitation, specification or discrimination;

(c) To discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate, repair or maintain real property in a specific urban area because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges or any such financial assistance or in the extension of services in connection therewith. All financial institutions shall post the following sign in a conspicuous place: "This institution abides by the state and local law prohibiting the denial of a mortgage or home improvement loan or the granting of a mortgage or home improvement loan on different terms, because of the conditions in the neighborhood in which the home is located. If you believe you have been discriminated against, call either of the following agencies for help: Indiana State Human Relations Commission; West Lafayette Civil Rights Commission."

(8) Discrimination in public accommodations. For any person engaged in the provision of public accommodations, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance:

(1) To fail or refuse to provide to any person access to the use of and benefit from the services and facilities of such public accommodations; or

(2) To discriminate against any person with respect to the availability of such services and facilities, the price of other consideration therefor, the scope and quality thereof, or the terms and conditions under which the same are made available, including terms and conditions relating to credit, payment, warranties, delivery, installation and repair.

(9) Discrimination in public services. For any person engaged in the provision of public services, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance, to discriminate against any person in the access to, admission to, full use of or benefit from any public service.

(10) Discrimination in educational institutions. For any educational institution, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance.

(a) To discriminate against any person in the full use of or benefit from such institution; or

(b) To exclude, expel or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student.

(11) Aiding, abetting, or facilitating discrimination; reprisals related to discrimination. For any person:

(a) To conceal or attempt to conceal any discriminatory act forbidden by this section or to aid, abet, compel, coerce, incite or induce, or attempt to induce, another person to discriminate;

(b) To use any trick, artifice, advertisement, sign, form of application, record on inquiry or any device whatsoever to bring about or facilitate discrimination;

(c) To engage in any reprisal, economic or otherwise, because another person opposed a discriminatory act forbidden under this section, has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this section or has associated with a person or group of persons of a different race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance.

SECTION 5. The City of West Lafayette Code is amended by inserting the following:

Sec. 3-34 Affirmative Action by City Contractors

(a) All contractors doing business with the City in an aggregate amount greater than \$50,000 per year, except those specifically exempted by regulations promulgated by the Human Relations Commission and approved by the common council shall take affirmative action to insure that applications and employees are treated, in respect to employment, in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status, or status with regard to public assistance. Affirmative action shall include but not be limited to the issuance of a policy statement regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment, and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance; recruiting in the minority/female group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

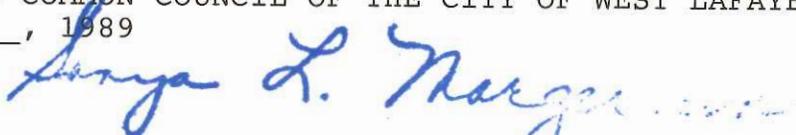
(b) The Human Relations Commission shall promulgate regulations prescribing such minimum requirements for an affirmative action plan as it shall deem necessary after public hearings. Such regulations shall become effective upon approval by the Common Council.

(c) All contracting agencies of the City or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to insure that the applicants and employees are treated in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance. The requirements of affirmative action shall be not less than the minimum specified in any regulation of the Human Relations Commission passed and approved as specified in subsection (b). Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the City shall be entitled to at its option:

(1) To cancel, terminate, or suspend the contract in or in part: and/or

(2) To declare the contractor or vendor ineligible for further city contracts.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON September 5, 1989


Sonya L. Margerum, Presiding Officer

ATTEST:

Peggy R Owens

Peggy R. Owens, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA,
ON September 6, 1989, AT THE HOUR OF 9:00 AM

Peggy R Owens

Peggy R. Owens, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON September 6, 1989
AT THE HOUR OF 10:00 AM.

Sonya L. Margerum

Sonya L. Margerum, Mayor

ATTEST:

Peggy R Owens

Peggy R. Owens, Clerk-Treasurer