

## Section I - Cover Page

# Affirmative Action Plan for City of Madison Individual Developer (Effective for 2 Years)

**Complete all lines and certifications herein. All information below is required.**

1. Company Name

6. E-mail Address

2. Address

7. Website

3. City/State/Zip Code

8. Chief Executive Officer

4. Telephone

9. EEO/AA Officer

5. FAX

10. Date

SUBMIT TO:  
AA Contract Compliance Specialist  
Department of Civil Rights Affirmative Action Division  
210 Martin Luther King, Jr. Boulevard, Room 523  
Madison, Wisconsin 53703  
PH (608) 266-4910  
FAX (608) 266-6514  
[ghanaman@cityofmadison.com](mailto:ghanaman@cityofmadison.com)  
[www.cityofmadison.com/dcr](http://www.cityofmadison.com/dcr)

## Section II - Policy Statement

It is our policy not to discriminate against any employee or applicant because of:

- race
- religion
- marital status
- age
- color
- sex
- disability/handicap
- national origin or ancestry
- income level or source of income
- arrest record or conviction record
- less than honorable discharge
- gender identity
- physical appearance
- sexual orientation
- political beliefs
- student status

We shall take affirmative action to ensure that applicants and employees are treated without regard to race, religion, color, age, marital status, disability, sex, gender identity, sexual orientation or national origin. Such action shall include, but not be limited to:

- employment
- upgrading
- demotion or transfer
- recruitment or recruitment advertising
- layoff or termination
- rates of pay or other forms of compensation
- selection for training including apprenticeship insofar as it is within our control

We will maintain a harassment-free work environment for all employees. We will require our employees to comply with this policy statement and affirmative action plan. **All related non-discrimination policies must INCLUDE ALL of the above protected groups.**

## Section III - Staff Responsibility

I, \_\_\_\_\_, am responsible for  
11. (Name and Title)

implementation of our Affirmative Action (AA) Plan. I am responsible for internal monitoring, data compilation and reporting on compliance with Section 39.02 of the Madison General Ordinances and my affirmative action plan.

## Section IV - Subcontractors (including your General Contractor(s))

12. ☐ I agree not to discriminate against any subcontractor or person who offers to subcontract on any contract with us because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin. I am committed to increasing my utilization of Small Business Enterprises (SBEs), including those owned by racial/ethnic affirmative action group members and women, as subcontractors on City of Madison public improvement projects. I will take affirmative measures to increase subcontracting opportunities to these businesses. I will require similar efforts from those companies with which I do business involving City of Madison public improvements. I commit to the following:
- Providing SBEs, Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and Disadvantaged Business Enterprises (DBEs) maximum feasible opportunity to compete for subcontracting opportunities on City of Madison Public Works projects; and
  - Making a good faith effort to increase my overall utilization of SBEs, MBEs, WBEs and DBEs as subcontractors, vendors and suppliers and to ensure that SBEs, MBEs, WBEs and DBEs receive an equitable share of my business.
13. ☐ I will ensure that all of my subcontractors, including my general contractor(s), working on City of Madison public improvements provide equal employment opportunity.
14. ☐ **I will include the Articles of Agreement contained in my contract with the City for public improvements construction in every subcontract so that these provisions will be binding upon each subcontractor.** I will require my subcontractors working on City of Madison public improvements projects to comply with the requirements of MGO 39.02 prior to starting work on any City public improvements project. I will take the necessary action to enforce these provisions, including sanctions provided for noncompliance in Section 39.02(8)(e)2., Article VII of the Madison General Ordinances.
15. ☐ Yes I do presently, commonly or will subcontract and have **ATTACHED A COPY OF OUR STANDARD SUBCONTRACT TO THIS PLAN.**\* Any City subcontract will include the City's full AA Articles (as appear herein for your convenience on last page of this AA plan).
- ☐ No I do **NOT** subcontract normally or expect to do so.

\*Mandatory Attachments

## Section V - Goals and Timetable

**I AM COMMITTED TO ACHIEVING THE CITY'S UTILIZATION GOALS OF 6% RACIAL/ETHNIC AFFIRMATIVE ACTION GROUP MEMBERS AND 7% WOMEN.** I understand that the City has established these goals for all contractors regardless of whether they are prime or subcontractors on a project. The goals are measured in percentages of contractor project work hours on each project.

The goal of this affirmative action plan is to achieve a balanced workforce, which employs racial/ethnic affirmative action groups, women and people with disabilities throughout all job categories. I understand that I am expected to make good faith efforts to eliminate wage disparities and to document these efforts.

## Section VI - Performance Evaluation

**The Affirmative Action Department will evaluate my performance under this plan continuously throughout each City public improvements project. I will cooperate with this monitoring process.**

## Section VII - Compliance

I understand that I am in compliance with the City of Madison Affirmative Action Ordinance and Contract Compliance Program when I fulfill all City of Madison ordinance provisions and meet or exceed utilization goals. **IF I DO NOT MEET THE UTILIZATION GOALS, I MUST DEMONSTRATE GOOD FAITH EFFORTS TO DO SO IN ORDER TO BE IN COMPLIANCE INCLUDING, BUT NOT LIMITED TO CONTEMPORANEOUS, NEW AFFIRMATIVE ACTION OUTREACH COMMUNICATIONS, DIVERSITY JOB FAIRS, AND/OR MENTOR/INTERNSHIP PARTICIPATION.** Compliance is determined by the Affirmative Action Division Manager, whose determination may be appealed by following the procedure contained in Section 39.02(9)(g) of the Madison General Ordinances.

## Section VIII - Additional Affirmative Action Program

I understand that the City of Madison must apply certain additional federal equal opportunity or affirmative action requirements to its contractors, when applicable. These requirements will be made a part of the appropriate contract documents.

## Section IX - No Private Cause of Action

This plan is not intended to create a private right of action by or on behalf of any employee or applicant for employment based upon a claim that this plan, or the developer's contractual obligation have not been complied with. An employee or applicant for employment who claims a violation of this plan or the developer's agreements with the City may file a complaint as provided in Section 39.02(9)(h) of the Madison General Ordinances.

## Section X - Acknowledgment

On behalf of this contractor and with its authorization the undersigned acknowledges that he/she has read, reviewed and adopted this affirmative action plan and agrees to be bound by it. Further, the information provided herein is accurate and true to the best of this employer's ability. The undersigned further acknowledges that the City of Madison has the right to review the records of this employer, which shall be maintained as documentation of this employer's agreement to be bound by the current plan and supplemental data we have submitted.

16. Submitted at Madison, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

Individual Developer

\_\_\_\_\_  
17. Signature

\_\_\_\_\_  
18. Name (please print or type)

## Section XI - Review Checklist (For Office Use Only)

- ☐ Complete Model Affirmative Action Plan for: \_\_\_\_\_
- ☐ Inconsistent policy statements: \_\_\_\_\_
- ☐ Omitted Answers: \_\_\_\_\_
- ☐ Omitted Attachments: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

## Addendum - City of Madison Affirmative Action Articles of Agreement

### ARTICLE I

The contractor shall take affirmative action in accordance with the provisions of this contract to insure that applicants are employed, and that employees are treated during employment without regard to race, religion, color, age, marital status, disability, sex, gender identity, sexual orientation or national origin and that the employer shall provide harassment-free work environment for the realization of the potential of each employee. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship insofar as it is within the control of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants notices to be provided by the City setting out the provisions of the nondiscrimination clauses in this contract.

### ARTICLE II

The contractor shall in all solicitations or advertisements for employees placed by or on behalf of the contractors state that all qualified or qualifiable applicants will be employed without regard to race, religion, color, age, marital status, disability, sex or national origin.

### ARTICLE III

The contractor shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice to be provided by the City advising the labor union or workers representative of the contractor's equal employment opportunity and affirmative action commitments. Such notices shall be posted in conspicuous places available to employees and applicants for employment.

### ARTICLE V

The contractor agrees that it will comply with all provisions of the Affirmative Action Ordinance of the City of Madison, including the contract compliance requirements. The contractor agrees to submit the model affirmative action plan for public works contractors in a form approved by the Affirmative Action Division Manager.

### ARTICLE VI

The contractor will maintain records as required by Section 39.02(9)(f) of the Madison General Ordinances and will provide the City's Division of Affirmative Action with access to such records and to persons who have relevant and necessary information, as provided in Section 39.02(9)(f). The City agrees to keep all such records confidential, except to the extent that public inspection is required by law.

### ARTICLE VII

In the event of the contractor's or subcontractor's failure to comply with the Equal Employment Opportunity and Affirmative Action Provisions of this contract or Sections 39.03 and 39.02 of the Madison General Ordinances, it is agreed that the City at its option may do any or all of the following:

1. Cancel, terminate or suspend this contract in whole or in part.
2. Declare the contractor ineligible for further City contracts until the Affirmative Action requirements are met.
3. Recover on behalf of the City from the prime contractor 0.5 percent of the contract award price for each week that such party fails or refuses to comply, in the nature of liquidated damages, but not to exceed a total of five percent (5%) of the contract price, or five thousand dollars (\$5,000), whichever is less. Under public works contracts, if a subcontractor is in noncompliance, the City may recover liquidated damages from the prime contractor in the manner described above. The preceding sentence shall not be construed to prohibit a prime contractor from recovering the amount of such damage from the non-complying subcontractor.

### ARTICLE VIII

**The contractor shall include the above provisions of this contract in every subcontract so that such provisions will be binding upon each subcontractor.** The contractor shall take such action with respect to any subcontractor as necessary to enforce such provisions, including sanctions provided for noncompliance.