CHAPTER 19
AFFIRMATIVE ACTION ORDINANCE

SUBCHAPTER I
NON-DISCRIMINATION AND AFFIRMATIVE ACTION IN COUNTY EMPLOYMENT

19.01 Title.
19.02 Policy and Purpose.
19.021 Age; Exceptions and Special Cases.
19.022 Arrest or Conviction Record; Exceptions and Special Cases.
19.023 Creed; Exceptions and Special Cases.
19.024 Disability; Exceptions and Special Cases.
19.025 Sex, Sexual Orientation; Exceptions and Special Cases.
19.026 Construction of Sections 19.021 - 19.025.
19.03 Authority.
19.04 Definitions.
19.05 Administration.
19.06 Equal Opportunity Commission.
19.07 Duties of the County Executive.
19.08 Duties of the Affirmative Action Officer.
19.09 Duties of Department and Agency Heads.
19.10 Employee Conduct.
19.11 County Board of Supervisors.
19.12 Committees, Commissions and Boards.
19.13 Duties of the Dane County Employee Relations Manager.
19.14 Complaints of Discrimination.
19.15 Formal Appeal Procedures.

[19.16-19.49 reserved.]

SUBCHAPTER II
NON-DISCRIMINATION AND AFFIRMATIVE ACTION BY CONTRACTORS

19.50 Authority and Purpose.
19.508 Targeted Business Policy.
19.51 Definitions.
19.52 Exemptions.
19.53 Affirmative Action Compliance Required.
19.54 Statement of Non-discrimination.
19.55 Notice of Non-discrimination.
19.56 Equal Opportunity Employer Statement.

19.57 Records.
19.58 Written Affirmative Action Plan Required.
19.59 Annual Review.

[19.60 reserved.]

19.61 Compliance Dependent Upon Implementation.
19.62 Officer's Authority to Review.
19.63 Officer's Remedies Where Deficiencies Exist.
19.64 Debarment Procedures.
19.65 Ordinances to be Incorporated.
19.66 Compliance Assistance and Training.
19.67 Contract Compliance Officer's Duties.
19.68 Duties of Department Heads.

[19.69-19.70 reserved.]

19.71 Complaints of Discrimination.

[19.72-19.99 reserved.]

19.01 TITLE.

(1) This ordinance shall be known as the affirmative action/equal employment opportunity ordinance and may be cited as such.
(2) Sections 19.02 through 19.49, inclusive, shall be known as subchapter I.
(3) Sections 19.50 through 19.99, inclusive, shall be known as subchapter II.
(4) The provisions of this chapter shall not be construed to create rights in any person, and the exclusive remedy for any violation of any provision of this chapter shall be limited to those remedies expressly set forth in this chapter.
(5) Subchapter I shall not be construed to require enhanced employee recruitment efforts as part of the county's affirmative action obligation to be undertaken with respect to other than race, ethnicity, gender and disability.
[**History**: (1) am. and (2)-(5) cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

SUBCHAPTER I
NON-DISCRIMINATION AND AFFIRMATIVE ACTION IN COUNTY EMPLOYMENT

19.02 POLICY AND PURPOSE.

(1) The purpose of this ordinance is to codify the affirmative action policies and procedures of Dane County and to give such policies and procedures the full force of the county's lawmaking powers.
(2) The official policy of Dane County is to provide equal employment opportunities for persons from all segments of the Dane County community without regard to age, race,

ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, genetic information, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs.

(3) To assist in promoting equal employment opportunities, it is the policy of the County of Dane to take affirmative action with respect to the hiring, retention and promotion of persons who have historically been discriminated against because of race, ethnicity, disability and gender. Affirmative action shall be undertaken to the extent necessary to prevent and eliminate discrimination and to balance the county's work force. [**History**: (1) and (2) am. and (3) cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; (2) am., 2023 OA-77, pub. 03/28/24.]

19.021 AGE; EXCEPTIONS AND SPECIAL CASES.

(1) The prohibition against employment discrimination on the basis of age applies only to discrimination against an individual who is age 40 or over.

(2) Notwithstanding sub. (1) and s. 19.02, it is not employment discrimination because of age to do any of the following:

(a) To terminate the employment of any employee physically or otherwise unable to perform his or her duties.

(b) To implement the provisions of any retirement plan or system of any employer if the retirement plan or system is not a subterfuge to evade the purposes of subchapter II of ch. 111, Wis. Stats. No plan or system may excuse the failure to hire, or require or permit the involuntary retirement of, any individual under sub. (1) because of that individual's age.

(c) To apply varying insurance coverage according to an employee's age.

(d) To exercise an age distinction with respect to hiring an individual to a position in which the knowledge and experience to be gained is required for future advancement to a managerial or executive position.

(e) To exercise an age distinction with respect to employment in which the employee is exposed to physical danger or hazard including, without limitation because of enumeration, certain employment in law enforcement or fire-fighting.

(f) To exercise an age distinction under s. 343.12 (2)(a) and (3), Wis. Stats.

[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.022 ARREST OR CONVICTION RECORD; EXCEPTIONS AND SPECIAL CASES.

(1)(a) Employment discrimination because of arrest record includes, but is not limited to, requesting an applicant, employee, member, licensee or any other individual, on an application form or otherwise, to supply information regarding any arrest record of the individual except a record of a pending charge, except that it is not employment discrimination to request such information when employment depends on the bondability of the individual under a standard fidelity bond or when an equivalent bond is required by state or federal law, administrative regulation or established business practice of the employer and the individual may not be bondable due to an arrest record.

(b) Notwithstanding s. 19.02, it is not employment discrimination because of arrest record to refuse to hire or license, or to suspend from employment or licensing, any individual who is subject to a pending criminal charge if the circumstances of the charge substantially relate to the circumstances of the particular job or licensed activity.

(c) Notwithstanding s. 19.02, it is not employment discrimination because of conviction record to refuse to employ or license, or to bar or terminate from employment or licensing, any individual who:

1. has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity; or

2. is not bondable under a standard fidelity bond or an equivalent bond where such bondability is required by state or federal law, administrative regulation or established business practice of the employer.

(cm) Notwithstanding s. 19.02, it is not employment discrimination because of conviction record to refuse to employ as an installer of burglar alarms a person who has been convicted of a felony and has not been pardoned.

(cs) Notwithstanding s. 19.02, it is not employment discrimination because of conviction record to revoke, suspend or refuse to renew a license or permit under ch. 125, Wis. Stats., if the person holding or applying for the license or permit has been convicted of one or more of the following:

1. manufacturing or delivering a controlled substance under s. 161.41(1), Wis. Stats.

2. possessing, with intent to manufacture or deliver, a controlled substance under s. 161.41(1m), Wis. Stats.

3. possessing, with intent to manufacture or deliver, or manufacturing or delivering a controlled substance under a federal law that is substantially similar to s. 161.41(1) or (1m), Wis. Stats.

4. possessing, with intent to manufacture or deliver, or manufacturing or delivering a controlled substance under the law of another state that is substantially similar to s. 161.41(1) or (1m), Wis. Stats.

(d) In this subsection, "equivalent bond" includes, but is not limited to, a bond issued for an ex-offender under 29 USC 871(c) in effect on August 4, 1981.

[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; (1)(b) am., Sub. 1 to OA 6, 2007-08, pub. 07/06/07.]

19.023 CREED; EXCEPTIONS AND SPECIAL CASES.

(1) Employment discrimination because of creed includes, but is not limited to, refusing to reasonably accommodate an employee's or prospective employee's religious observance or practice unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise or business.

(2) Notwithstanding s. 19.02, it is not employment discrimination because of creed:

(a) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who is a member of the same or a similar religious denomination.

(am) For a religious association not organized for private profit or an organization or corporation which is primarily owned or controlled by such a religious association to give preference to an applicant or employee who adheres to the religious association's creed, if the job description demonstrates that the position is clearly related to the religious teachings and beliefs of the religious association.
(b) For a fraternal as defined in s. 614.01(1)(a), Wis. Stats., to give preference to an employee or applicant who is a member or is eligible for membership in the fraternal, with respect to hiring to or promotion to the position of officer, administrator or salesperson.
(3) This chapter shall not be construed to contain any provision concerning employment discrimination because of creed that prohibits activity allowed under s. 111.337, Wis. Stats.
[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.024 DISABILITY; EXCEPTIONS AND SPECIAL CASES.

(1) Employment discrimination because of disability includes, but is not limited to:
(a) Contributing a lesser amount to the fringe benefits, including life or disability insurance coverage, of any employee because of the employee's disability; or
(b) Refusing to reasonably accommodate an employee's or prospective employee's disability unless the employer can demonstrate that the accommodation would pose a hardship on the employer's program, enterprise or business.
(2)(a) Notwithstanding s. 19.02, it is not employment discrimination because of disability to refuse to hire, employ, admit or license any individual, to bar or terminate from employment, membership or licensure any individual, or to discriminate against any individual in promotion, compensation or in terms, conditions or privileges of employment if the disability is reasonably related to the individual's ability to adequately undertake the job-related responsibilities of that individual's employment, membership or licensure.
(b) In evaluating whether a disabled individual can adequately undertake the job-related responsibilities of a particular job, membership or licensed activity, the present and future safety of the individual, of the individual's coworkers and, if applicable, of the general public may be considered. However, this evaluation shall be made on an individual case-by-case basis and may not be made by a general rule which prohibits the employment or licensure of disabled individuals in general or a particular class of disabled individuals.
(c) If the employment, membership or licensure involves a special duty of care for the safety of the general public including, but not limited to, employment with a common carrier, this special duty of care may be considered in evaluating whether the employee or applicant can adequately undertake the job-related responsibilities of a particular job, membership or licensed activity. However, this evaluation shall be made on an individual case-by-case basis and may not be made by a general rule which prohibits the employment or licensure of disabled individuals in general or a particular class of disabled individuals.
(3)(a) Notwithstanding s. 19.02, it is not employment discrimination because of use of a lawful product off the employer's premises during nonworking hours for a nonprofit corporation that, as one of its primary purposes or objectives, discourages the general public from using a lawful product to refuse to hire or employ an individual, to suspend or

terminate the employment of an individual, or to discriminate against an individual in promotion, in compensation or in terms, conditions or privileges of employment, because that individual uses off the employer's premises during nonworking hours a lawful product that the nonprofit corporation discourages the general public from using.

(b) Notwithstanding s. 19.02, it is not employment discrimination because of nonuse of a lawful product off the employer's premises during nonworking hours for a nonprofit corporation that, as one of its primary purposes or objectives, encourages the general public to use a lawful product to refuse to hire or employ an individual, to suspend or terminate the employment of an individual, or to discriminate against an individual in promotion, in compensation or in terms, conditions or privileges of employment, because that individual does not use off the employer's premises during nonworking hours a lawful product that the nonprofit corporation encourages the general public to use.

(4) Notwithstanding s. 19.02, it is not employment discrimination because of use or nonuse of a lawful product off the employer's premises during nonworking hours for an employer, labor organization, employment agency, licensing agency or other person to refuse to hire, employ, admit or license an individual, to bar, suspend or terminate an individual from employment, membership or licensure, or to discriminate against an individual in promotion, in compensation or in terms, conditions or privileges of employment or labor organization membership if the individual's use or nonuse of a lawful product off the employer's premises during nonworking hours does any of the following:

(a) Impairs the individual's ability to undertake adequately the job-related responsibilities of that individual's employment, membership or licensure.

(b) Creates a conflict of interest, or the appearance of a conflict of interest, with the job-related responsibilities of that individual's employment, membership or licensure.

(c) Conflicts with a bona fide occupational qualification that is reasonably related to the job-related responsibilities of that individual's employment, membership or licensure.

(d) Constitutes a violation of s. 48.983(2), Wis. Stats.

(e) Conflicts with any federal or state statute, rule or regulation.

[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.025 SEX, SEXUAL ORIENTATION; EXCEPTIONS AND SPECIAL CASES.

(1) Employment discrimination because of sex includes, but is not limited to, any of the following actions by any employer, labor organization, employment agency, licensing agency or other person:

(a) Discriminating against any individual in promotion, compensation paid for equal or substantially similar work or in terms, conditions or privileges of employment or licensing on the basis of sex where sex is not a bona fide occupational qualification.

(b) Engaging in sexual harassment; or implicitly or explicitly making or permitting acquiescence in or submission to sexual harassment a term or condition of employment; or making or permitting acquiescence in, submission to or rejection of sexual harassment the basis or any part of the basis for any employment decision affecting an employee, other than an employment decision that is disciplinary action against an employee for engaging in sexual harassment in violation of this paragraph; or permitting sexual harassment to have the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, hostile or offensive work environment.

Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

(br) Engaging in harassment that consists of unwelcome verbal or physical conduct directed at another individual because of that individual's gender, other than the conduct described in par. (b), and that has the purpose or effect of creating an intimidating, hostile or offensive work environment or has the purpose or effect of substantially interfering with that individual's work performance. Under this paragraph, substantial interference with an employee's work performance or creation of an intimidating, hostile or offensive work environment is established when the conduct is such that a reasonable person under the same circumstances as the employee would consider the conduct sufficiently severe or pervasive to interfere substantially with the person's work performance or to create an intimidating, hostile or offensive work environment.

(c) Discriminating against any woman on the basis of pregnancy, childbirth, maternity leave or related medical conditions by engaging in any of the actions prohibited under s. 19.02 including, but not limited to, actions concerning fringe benefit programs covering illnesses and disability.

(d)1. For any employer, labor organization, licensing agency or employment agency or other person to refuse to hire, employ, admit or license, or to bar or terminate from employment, membership or licensure any individual, or to discriminate against an individual in promotion, compensation or in terms, conditions or privileges of employment because of the individual's sexual orientation; or

2. For any employer, labor organization, licensing agency or employment agency or other person to discharge or otherwise discriminate against any person because he or she has opposed any discriminatory practices under this paragraph or because he or she has made a complaint, testified or assisted in any proceeding under this paragraph.

(2) For the purposes of this subchapter, sex is a bona fide occupational qualification if all of the members of one sex are physically incapable of performing the essential duties required by a job, or if the essence of the employer's business operation would be undermined if employees were not hired exclusively from one sex.

(3) For purposes of sexual harassment claims under sub. (1)(b), an employer, labor organization, employment agency or licensing agency is presumed liable for an act of sexual harassment by that employer, labor organization, employment agency or licensing agency or by any of its employees or members, if the act occurs while the complaining employee is at his or her place of employment or is performing duties relating to his or her employment, if the complaining employee informs the employer, labor organization, employment agency or licensing agency of the act, and if the employer, labor organization, employment agency or licensing agency fails to take appropriate action within a reasonable time.

[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.026 CONSTRUCTION OF SECTIONS 19.021-19.025. Sections 19.021 through 19.025 of this chapter shall be strictly construed to be in conformity with subchapter II of chapter 111, Wis. Stats., and acts amendatory thereto.
[**History**: cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.03 AUTHORITY. This ordinance is enacted under authority granted by sections 59.01, 59.025, and 59.07(20), Wis. Stats., and acts amendatory thereto.

19.04 DEFINITIONS. [INTRO.] As used in this chapter, the following words have the definitions indicated:
(1) *Agency* shall mean all departments, commissions, boards and other structural divisions of county government.
(1a) *Affirmative action* means specific actions in employment which are designed and taken for the purposes of ensuring equal opportunities; identifying and eliminating practices that result in discrimination which produces a substantial disparity between the proportion of members of racial and ethnic, gender or disabled groups in job groups within county employment, and the proportion of members of racial and ethnic, gender or disabled groups in the relevant labor pool. Affirmative and direct action is required to make equal employment and promotional opportunities a reality and to correct the effects of past patterns of inequality. The term includes:
(a) enhanced recruitment efforts;
(b) education of all personnel as to prohibited bases of discrimination; and
(c) other action designed to promote employment opportunities for, and increase the retention of, persons historically under-represented in the workforce.
(2) *Board* shall mean the Dane County Board of Supervisors, unless the context clearly indicates otherwise.
(3) *Commission* shall mean the equal opportunity commission.
(3m) *Cultural differences* has the meaning set forth in s. 19.51(10m).
(4) *Employee* shall mean any employee of Dane County, its departments and agencies.
(4m) *Genetic information* shall mean, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, the manifestation of a disease or disorder in family members of such individual, and any request for, or receipt of, genetic services or participation in clinical research which includes genetic services, by such individual or any family member of such individual.
(5) *Officer* or *affirmative action officer*, as used in subchapter I, shall mean the director of the Tamara D. Grigsby Dane County Civil Rights Department or other employee designated by the county executive to serve as the affirmative action officer.
(5m) *Physical appearance* has the meaning set forth in s. 19.51(20m).
(5p) *Political beliefs* has the meaning set forth in s. 19.51(20n).
(6) *Protected groups* under affirmative action shall include Blacks or all persons having origins in any of the black African racial groups not of Hispanic origin; Hispanics or all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race; Asian or Pacific Islander, all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian

subcontinent, or the Pacific Islands; American Indian or Alaskan Native and all persons having origins in any of the original peoples of North America; females; and persons with disabilities.

(a) As used in this subsection (6), American Indian means a person who is enrolled as a member of a federally recognized American Indian tribe or band or who possesses documentation of at least one-fourth American Indian ancestry or documentation of tribal recognition as an American Indian.

(6m) "Protective hairstyles" includes hairstyles such as braids, locs, and twists.

(7) *Sexual orientation* includes homosexuality, heterosexuality, bisexuality and gender identity by preference or practice.

(a) As used in this subsection, *gender identity* means the actual or perceived condition, status or acts of any or all of the following:

1. Identifying emotionally or psychologically with the sex other than one's biological or legal sex at birth, whether or not there has been a physical change of the organs of sex;

2. Presenting or holding oneself out to the public as a member of the biological sex that was not one's biological or legal sex at birth;

3. Lawfully displaying any combination of physical characteristics or behavioral characteristics or expressions which are widely perceived as being more appropriate to the biological or legal sex that was not one's biological or legal sex at birth, as when a male is perceived as feminine or a female is perceived as masculine; or

4. Being physically or behaviorally androgynous, or both.

[**History**: (5) and (6) am. and (1a), (3m), (5m) and (5p) cr., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; (3) and (5) am., OA 17, 1999-2000, pub. 12/14/99; [INTRO.] am. and (7) cr., OA 3, 2001-02, pub. 08/17/01; (5) am., 2019 OA-7, pub. 09/24/19; (6m) cr., 2020 OA-52, pub. 01/14/21; (4m) cr., 2023 OA-77, pub. 03/28/24; (5) am., 2025 OA-25, pub. 12/31/25.]

19.05 ADMINISTRATION.

(1) The commission shall act as the supervising body for the administration of this ordinance.

(2) The officer shall administer the provisions of this ordinance on a daily basis.

19.06 EQUAL OPPORTUNITY COMMISSION.

(1) The selection, tenure and removal of the members of the commission shall be as stated in section 15.12 of the Dane County Ordinances, and ex-officio members may be appointed from time to time as set forth in paragraph (a) below.

(a) *Ex-officio members.* The commission may establish advisory committees on matters within its charge, including minority affairs issues. Each such committee may elect one person to serve, ex-officio and for a period of one calendar year, in an advisory capacity to the commission. Such ex-officio members shall have no vote.

(2) *Duties of the commission*. The commission's duties and responsibilities shall be to:

(a) At the commission's first meeting in December of each year, review and, if deemed advisable by the commission, make recommendations for modification of the affirmative action goals and timetables and the contract compliance standards and

requirements for the new calendar year. After review, the commission may inform the board of any recommendations for modifications.

(b) Draft, adopt and implement such procedural rules and regulations as may be necessary to conduct the business of the commission.

(c) Receive and review summaries of reports concerning complaints brought pursuant to the complaint process pursuant to sec. 19.15.

(d) Undertake the duties and responsibilities set forth in section 15.12(6) of the Dane County Ordinances.

(e) Render an annual written report of its progress and activities to the county board and the county executive.

(f) Provide the board with information regarding all affirmative action matters which affect Dane County.

(g) Recommend to the board actions including, but not limited to, the consideration of ordinance amendments, as the commission deems advisable or necessary to implement the county's affirmative action plan.

[**History**: (1), (1)(a), (2), (2)(a), (2)(c) and (2)(d) am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; s. 19.06 am., OA 17, 1999-2000, pub. 12/14/99.]

19.07 DUTIES OF THE COUNTY EXECUTIVE. It shall be the duty and responsibility of the county executive to:

(1) Balance the memberships of boards, commissions and committees along the principles of affirmative action, in a manner compatible with statutes and other requirements such as geographic and technical representation.

(2) Provide support and assistance to the affirmative action officer and commission in carrying out the provisions of the ordinance.

(3) Take into consideration the affirmative action plan and programs of Dane County when implementing the actions of the county board of supervisors.

19.08 DUTIES OF THE AFFIRMATIVE ACTION OFFICER. (intro.) The officer's duties and responsibilities shall be to:

(1) Develop, in cooperation with the county executive, the commission and the heads of county agencies, goals and timetables for the affirmative action plan. Such goals and timetables are to be developed pursuant to federal guidelines found in part 60-2 of chapter 60 of Title 41 of the Code of Federal Regulations, as amended from time to time, which are incorporated herein by reference.

(2) Gather, review and analyze data which shall include, but not be limited to, the following information concerning the county's work force:

(a) Available job slots.

(b) Recruitment policies.

(c) Selection and replacement procedures.

(d) Testing procedures.

(e) Training programs.

(f) Promotion policies and procedures.

(g) Transfer policies.

(h) Compensation policies.

(i) Accessible facilities.

(j) Layoff, recall and termination policies.
(k) Procedure for disciplinary action.
(L) Harassment-free work environment.
(m) Develop supportive programs.
(3) File a written progress report with the commission in January of each year which shall include, but not be limited to:
(a) The goals, timetables and date described in subsections (1) and (2) of this section;
(b) The progress which has been achieved in implementing the goals and timetables of the affirmative action program;
(c) Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, interviewed and/or rejected, indicating protected groups specifically.
(d) A description of recruitment and training programs instituted to achieve the objectives of the affirmative action plan.
(e) A summary of other supportive programs provided to resolve or prevent problems.
(4) Be responsible for the implementation and coordination of the county's affirmative action plan.
(5) Investigate complaints, make determinations and make recommendations for implementation to appropriate county department heads, the personnel division or corporation counsel. A report of the status of the complaint shall be made to the commission.
(6) Supervise the preparation of all required state and federal affirmative action reports on Dane County programs.
(7) Actively coordinate affirmative action activities with county departments and with the personnel division in implementing the county's annual affirmative action goals and timetables.
(8) In cooperation with the commission and the county executive, actively monitor the duties and responsibilities set forth in sections 19.10 and 19.13 of the Dane County Ordinances.
(9) Work in cooperation with the contract compliance program described in sections 19.50 through 19.71.
[**History**: (intro.), (2), (2)(j) and (L), (3), (5), (7) and (9) am., and (3)(f) rep., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; (1), (5) and (8) am., OA 17, 1999-2000, pub. 12/14/99.]

19.09 DUTIES OF DEPARTMENT AND AGENCY HEADS. The department's and agency heads' duties and responsibilities shall be to:
(1) Carry out all the provisions of the civil service ordinance, chapter 18, without regard to whether or not any certified applicant is a member of a group listed in s. 19.02(2).
(2) To develop and submit an annual departmental or agency affirmative action plan with goals and timetables to the affirmative action officer.
(3) Work in coordination with the affirmative action officer to monitor and attain affirmative action goals.
(4) Submit semi-annual progress reports of affirmative action goal attainment to the affirmative action officer.

(5) Assist the employee relations manager and the affirmative action officer in all personnel transactions in a manner which will promote the attainment of affirmative action goals.
(6) Comply with section 19.50 of this ordinance when dealing with contractors.
(7) With the assistance of the officer, administer those sections of the county's annual goals and timetables pertaining to the specific agencies.
(8) Ensure that all employees under their direction or control work in an environment free of sexual harassment as defined in section 18.04(26) of the Dane County Code of Ordinances.
[**History**: (intro.), (1), (5) and (8) am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.10 EMPLOYEE CONDUCT. An employee shall strive to maintain harmonious relations with other employees and to that end all employees should remain respectful of individual differences including differences based upon another employee's membership in a group listed in s. 19.02(2). An employee's or supervisor's overt conduct to the contrary shall be grounds for disciplinary action (including, but not limited to, dismissal) with the civil service system.
[**History**: am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.11 COUNTY BOARD OF SUPERVISORS. The board shall remain aware of Dane County affirmative action goals and shall actively promote the goals of affirmative action to the fullest extent possible. The board should be especially sensitive when passing upon contracts for goods or services, when ratifying board committee and commission appointments of the county executive and when ratifying union contracts.

19.12 COMMITTEES, COMMISSIONS AND BOARDS. Actions of the committees, commissions and boards shall complement the affirmative action plan of Dane County.

19.13 DUTIES OF THE DANE COUNTY EMPLOYEE RELATIONS MANAGER. (intro.) The Dane County Employee Relations Manager's duties and responsibilities shall be to:
(1) Actively implement the job recruitment program in a manner that will meet the goals of the county's affirmative action program.
(2) Inform members of protected groups of Dane County's affirmative action program and seek their support in attracting candidates.
(3) Review testing, selection, recruitment, promotion and placement policies and practices to ensure compliance with the EEOC uniform guidelines on employment selection.
(4) Develop procedures to establish career ladders between non-management and management positions for county employees, with specific emphasis on those who are members of a protected group.
(5) Comply with goals and timetables of the county's affirmative action program.
(6) Inform the members of all oral examination boards of the affirmative action program and make every attempt to ensure that the composition of such boards includes members of protected groups.

(7) Provide and maintain a current employee handbook setting forth personnel policy which includes a statement of the policy and purpose of the affirmative action plan. [**History**: (intro.) and (4) am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

19.14 COMPLAINTS OF DISCRIMINATION.

(1) When there is an alleged violation of this ordinance, any civil service employee or applicant for employment with Dane County may file a complaint of discrimination with the affirmative action officer within one hundred eighty (180) days of his or her knowledge of the occurrence of the alleged discrimination, unless the facts alleged in such complaint form the basis of a complaint under the jurisdiction of any other judicial or quasi-judicial body. Only those matters alleged to be in violation of the affirmative action ordinance shall be heard and investigated by the officer.

(2) Such complaint should be entered on the county's official affirmative action complaint form and signed by the complainant.

(3) Upon receiving a complaint, the affirmative action officer shall take prompt and positive action to inform all parties involved, perform an investigation, and facilitate conciliation if possible. No member of the commission may participate in an investigation under this subsection.

(4) The commission may, on the basis of the officer's reports and evidence submitted by the parties involved, give advisory direction as to a course of remedial action if the complaint has not been resolved by conciliation.

(5) All decisions of the affirmative action officer shall be submitted for implementation to the parties involved, such as department heads, appropriate standing committees, complainants, etc.

(6) The procedure allowed herein is intended to speed the corrective action mechanism and supplement the remedies available to the complainant under the laws of the State of Wisconsin and the United States.

(7) If a complaint on the same matter is pending before any federal or state agency, the affirmative action officer's investigation under subsection (3) shall not compromise the county's position. To that end, the corporation counsel may refuse to allow any county employee or officer to answer any question put to him or her by the affirmative action officer in the course of a subsection (3) investigation.

(8) No appointing authority or other supervisory employee shall in any way retaliate against any employee, applicant for employment, bidder for a contract with the county, or contractor with the county who shall file a discrimination complaint under this chapter or under the laws of the State of Wisconsin or of the United States. Any person violating this subsection shall be subject to appropriate disciplinary action including, but not limited to, discharge from the civil service.

[**History**: (1), (3) and (4) am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; (3) and (5) am., OA 17, 1999-2000, pub. 12/14/99.]

19.15 FORMAL APPEAL PROCEDURES.

(1) A complainant may file a written request for a formal determination of his or her complaint with the affirmative action officer.

(2) A request for a formal determination can only be made after the affirmative action complaint process has been completed as specified in section 19.14.

(3) Within 60 days after receipt of a request under sub. (1), the affirmative action officer shall conduct a formal hearing on the discrimination complaint.
(4) This section shall not supersede the remedies available to any person under the laws of the State of Wisconsin or of the United States.
[**History**: 19.15 am., Sub. 3 to OA 48, 1995-96, pub. 01/21/97; 19.15 am., OA 17, 1999-2000, pub. 12/14/99.]

[**History**: s. 19.16 rep., Sub. 3 to OA 48, 1995-96, pub. 01/21/97.]

[19.16-19.49 reserved.]

SUBCHAPTER II
NON-DISCRIMINATION AND AFFIRMATIVE ACTION BY CONTRACTORS

19.50 AUTHORITY AND PURPOSE.
(1) Sections 19.50 through 19.71, inclusive, of this ordinance are enacted under the authority of chapter 59 of the Wisconsin Statutes.
(2) The county's policy is to ensure that the county, its contracting agencies and their contractors and their unions do not directly or indirectly discriminate on the basis of age, race, ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs. The county's policy is to further ensure that such contracting agencies take affirmative action to eliminate such discrimination based on race, ethnicity, gender and disability, both in employment and in receipt of services. An additional purpose of this policy is to guide the management and business of the county in such a way as to ensure that the county's interest in receiving funds from the state and federal sources is protected. Another purpose is to promote the economic development of emerging small business enterprises and to encourage commitment and utilization of county and community resources to achieve that result. All county department and institution heads are responsible for obtaining contracts in compliance with this ordinance.
(3) This subchapter shall not be construed to require enhanced employee recruitment efforts as part of a contractor's affirmative action obligation to be undertaken with respect to other than race, ethnicity, gender and disability.
(4) No provision of this subchapter shall be deemed to repeal, displace, amend or abridge the qualifications and exceptions set forth in sections 19.021 through 19.026 of subchapter I, and the same shall apply to the provisions of this subchapter as though fully set forth herein.
[**History**: (2) am. and (3) and (4) cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.508 TARGETED BUSINESS POLICY.

(1) Dane County's official policy is to utilize to the fullest extent targeted businesses when contracting for any construction, purchases, furnishing or disposal of goods, services or real property in order to ensure an equitable share of Dane County contracts. Dane County recognizes that it must ensure that the principles of equal opportunities in its contracting process are pursued in a concerted manner. Dane County reaffirms its commitment to the targeted business programs and policies which ensure utilization by the county and those who contract with the county. The program shall contain a process for certification of targeted businesses and establish participation goals. The ways in which these goals are implemented are described more specifically in the targeted business plan.

(2) It shall be the overall goal of Dane County to have at least ten percent (10%) participation by targeted businesses.

(3) These goals will be actively and thoroughly pursued to assure the success of the targeted business program and this pursuit will be consistent with sound purchasing principles.

[**History**: cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.51 DEFINITIONS. As used in sections 19.50 through 19.71, the following words have the meanings indicated herein.

(1) *Affirmative action plan:* A written document which details the programmatic efforts to implement and ensure equal employment opportunity, equitable service delivery and achieve a balanced work force through good faith efforts in all areas of employment, contracting and service delivery. To document employment opportunities a contractor shall develop and implement an affirmative action plan that meets the requirements of 41 CFR Part 60 or those of the county model, or both.

(1a) *Affirmative action* means specific actions in employment which are designed and taken for the purposes of ensuring equal opportunities; identifying and eliminating practices that result in discrimination which produces a substantial disparity between the proportion of members of racial and ethnic, gender or disabled groups in job groups within a contractor's workforce, and the proportion of members of racial and ethnic, gender or disabled groups in the relevant labor pool. Affirmative and direct action is required to make equal employment and promotional opportunities a reality and to correct the effects of past patterns of inequality. The term includes:

(a) enhanced recruitment efforts;

(b) education of all personnel as to prohibited bases of discrimination; and

(c) other action designed to promote employment opportunities for, and increase the retention of, persons historically under-represented in a contractor's workforce.

(2) *Balanced work force*: A representation of minorities, women and persons with disabilities in each job category (as defined by the federal equal employment opportunity commission) of the contractor's work force that equals the percentage of the availability of such persons in each job category in the appropriate standard metropolitan statistical area (SMSA) from which the contractor's workforce is drawn.

(2m) *Caste* has the meaning set forth in s. 18.04(8m).

(3) *Compliance*: Conformity with this chapter.

(4) *Compliance review*: The investigatory process (including statistical analyses and on-site observations) by which the contract compliance officer evaluates the effectiveness and implementation of a contractor's affirmative action plan.

(5) *Contract compliance hearing board*: The body that will hold a hearing when debarment proceedings are brought before them when conciliation attempts have failed. The contract compliance hearing board, the body responsible for debarment proceedings, shall consist of the chairperson of the equal opportunity commission together with one citizen member and one supervisor member of the commission appointed by the commission chairperson.

(6) *Conciliation agreement*: A formal statement, signed by the contractor, the contract compliance officer and the equal opportunity commission chairperson which defines specific remedies and realistic timetables for correcting deficiencies of a contractor's affirmative action plan.

(7) *Contract*: An agreement, including those not reduced to writing, entered into by a contracting agency for the construction, purchase, furnishing or disposal of goods, services or real property or purchase of services contracts, purchase orders, requests or other like contracting instruments including any combination of the foregoing.

(8) *Contracting agency*: Any department, commission, committee, board or other agency of Dane County with authority to contract.

(9) *Contractor:* Any party entering into an agreement or contract with a contracting agency for the construction, purchase, furnishing or disposal of goods, services or real property. Subcontractors and persons hired by the contractor to perform any or all of the contract work are included within the term *contractor*.

(10) *Contract compliance officer*: The person designated to monitor, investigate and make recommendations of contractors' compliance with the provisions of this subchapter.

(10m) *Cultural differences* means those beliefs, interpersonal styles, attitudes and behaviors which are unique to or which distinguish a particular group of persons, whether centered around religion, race or ethnicity. Cultural differences also includes traits historically associated with race, including hair texture and protective hairstyles.

(11) *Debarment*: A formal denial of a contractor's right to enter into future contracts with a contracting agency until compliance has been achieved. A debarment is effective for one calendar year or until the contractor comes into compliance, whichever occurs first.

(12) *Deficiency*: A specified area of noncompliance in the formation or implementation of the contractor's affirmative action plan.

(13) *Desk audit*: A thorough analysis prior to on-site review of a contractor's affirmative action plan, program and supportive data before an on-site inspection to determine the extent of the contractor's compliance both in terms of program strengths and deficiencies.

(14) *Disadvantaged business enterprise (DBE):* A small business concern which: (a) is at least 51 percent owned by one or more socially and economically disadvantaged individual(s), or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operation are controlled by one or more socially and economically disadvantaged individuals who own it. *Socially and economically disadvantaged individual* means a person whose ability to compete in

business has been impaired due to diminished past and present economic and business opportunities originating from his or her race, color, national origin, gender, disability, long-term residence in an environment isolated from the mainstream of American society, or other similar cause beyond the individual's control.

(15) *Emerging small business enterprise (ESB):* An independent business concern that has been in business for at least one year; is located in the State of Wisconsin; is comprised of less than 25 employees; does not have gross sales in excess of three million over the past three years; and does not have a history of failing to complete projects.

(15m) *Generative artificial intelligence technology* means any software that creates content by simulating human learning, comprehension, problem solving, decision making, creativity, and autonomy.

(16) *Goal*: A numerical hiring plan to achieve a balanced work force, the achievement of which is to be attempted in all good faith.

(17) *Good faith effort*: The steps and measures taken by a contractor to implement all phases of his or her affirmative action plan or other special qualification requirements, and also any actions initiated voluntarily.

(18) *Minority* includes Blacks or all persons having origins in any of the black African racial groups not of Hispanic origin; Hispanics or all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race; Asians or Pacific Islanders and all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; and American Indians or Alaskan Natives and all persons having origins in any of the original peoples of North America.

(a) As used in this subsection (18), American Indian means a person who is enrolled as a member of a federally recognized American Indian tribe or band or who possesses documentation of at least one-fourth American Indian ancestry or documentation of tribal recognition as an American Indian.

(19) *Minority business enterprise (MBE)* means a sole proprietorship, partnership, limited liability company, joint venture or corporation that fulfills both of the following requirements:

(a) It is at least 51% owned, controlled and actively managed by a minority group member or members who are U.S. citizens or persons lawfully admitted to the United States for permanent residence, as defined under 8 USC 1101(a)(20).

(b) It is currently performing a useful business function.

(19m) *Minority group member* means a person who is a minority as defined in sub. (18).

(20) *Person with disabilities*: A person who:

(a) has a physical or mental impairment which substantially limits one or more major life activities;

(b) has a record of such impairment; or

(c) is regarded as having such an impairment.

(20m) *Physical appearance* means the outward appearance of any person irrespective of gender, with regard to weight, height, facial features or other aspects of appearance which are beyond the person's control and which are not based on recognized religious practices. The prohibition on discrimination on the basis of physical appearance does not limit an appointing authority's ability to impose requirements of

cleanliness, uniforms or prescribed attire, if and when such requirements are uniformly applied for a reasonable business purpose.

(20n) *Political beliefs* means an individual's opinion, manifested in speech or association, concerning the social, economic and governmental structure of society and its institutions. This ordinance shall cover all political beliefs, the consideration of which is not preempted by state or federal law.

(21) *Women business enterprise (WBE)*: An independent business and valid business concern that is owned by and controlled by women. A woman or women must own fifty-one percent (51%) of the business and control the management and daily operation of the business.

(22) *Targeted businesses*: Include minority business enterprises, women business enterprises, disadvantaged business enterprises and emerging small business enterprises.

(23) *Job categories*: The eight designated job categories are officials and administrators, professionals, technicians, protective service workers, paraprofessionals, administrative support (including clerical and sales), skilled craft workers, and service maintenance.

(24) *Supportive data*: Information provided by a contractor to support the contractor's affirmative action plan.

(24m) *Software subscription agreement* shall mean any agreement that provides for the ongoing use of or access to software in exchange for recurring payments, except for agreements that primarily provide generative artificial intelligence technology.

(25) *Utilization:* The ratio of minorities, women or persons with disabilities employed in a particular job classification relative to their availability in the relevant labor market.

(26) *Targeted business plan* is the document of that name which identifies and sets forth the policies, procedures, regulations, goals and strategies to be employed by Dane County to ensure that targeted businesses are afforded a fair and representative opportunity to participate fully in the county's contracting program.

[**History**: (1a), (11m), (14), (15), (18), (19m), (20m), (20n), (21), (22) and (26) cr.; (9), (14) and (20) renum.; (3), (4), (5), (6), (7), (8), (10), (11), (13), (15), (18), (19) and (21) renum. and am.; (12) rep. and recr.; and (1), (17) and (19) am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (5) and (6) am., OA 17, 1999-2000, pub. 12/14/99; (2m) cr., 2023 OA-37, pub. 08/25/23; (15m) and (24m) cr., Sub. 1 to 2026 OA-013, pub. 09/18/2026.]

19.52 EXEMPTIONS.

(1) The following entities contracting with the county are exempt from taking the affirmative action measures itemized in sections 19.58 through 19.64: Municipalities; the State of Wisconsin; the University of Wisconsin; the area board of any vocational, technical and adult education district; any public school district; and other contractors having less than twenty (20) employees and whose contract is less than $20,000. Exempt contractors are nonetheless required to demonstrate the non-discrimination practices defined in sections 19.54 and 19.55. This section shall not be construed to supersede more restrictive conditions imposed by provisions of any purchase of services contract to which the county or any of its departments or offices is a party.

(2) The requirements of this subchapter do not apply to software subscription agreements.
[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (1) am., (2) cr., Sub 1 to 2026 OA-013, pub. 09/18/2026]

19.53 AFFIRMATIVE ACTION COMPLIANCE REQUIRED.

(1)(a) Contractors of the county who have a contract for $5,000 or more are required to demonstrate compliance with the affirmative action provisions of this subchapter in obtaining a balanced workforce.
(b) Notwithstanding the provisions of sub. (a), as a component of ensuring that contractors of the county and their unions do not directly or indirectly discriminate on the basis of sexual orientation and marital status, all contracts must ensure equal total compensation between similarly situated employees with spouses and with domestic partners, as required by s. 25.016.
(2) The extent and degree of affirmative action required shall be as set forth in the contractor's affirmative action plan on file with the contract compliance officer.
[**History**: (1) am. and (2) cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (1) am., Sub. 1 to OA 13, 2008-09, pub. 10/03/08, eff. 12/01/08.]

19.54 STATEMENT OF NONDISCRIMINATION. All non-exempt contracts entered into by the county shall contain the following language.
(1) The contractor agrees to take affirmative action to ensure equal employment opportunity. During the term of this agreement the contractor agrees, in accordance with sec. 111.321, Wis. Stats., and chapter 19 of the Dane County Code of Ordinances (hereinafter referred to as chapter 19), not to discriminate against any person, whether an applicant or recipient of services, an employee or an applicant for employment, on the basis of age, race, ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, caste, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs. The contractor shall provide a harassment-free work environment. This provision shall be applied, but not limited, to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, training, including apprenticeship, rates of pay or other forms of compensation. The contractor agrees to post in conspicuous places available for employees and applicants, notices setting forth the provisions of this agreement as they relate to affirmative action and non-discrimination.
(2) The contractor agrees that all advertisements or solicitations for employment placed on the contractor's behalf shall state that the contractor is an equal opportunity employer.
(3) A contractor shall utilize to the fullest extent targeted businesses in connection with this agreement and provide them with an opportunity to compete for any subcontract.
(4) Contractor agrees to furnish all information and reports required by the contract compliance program as provided in s. 19.57, as the same relates to affirmative action, and shall permit access to books, records, accounts and persons who have relevant information to determine compliance with chapter 19.

(5) A contractor shall establish a goal for job categories within the contractor's workforce.
[**History**: (intro.) am. and (1) - (5) cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (1) am., 2023 OA-37, pub. 08/25/23.]

19.55 NOTICE OF NONDISCRIMINATION. Contractors shall send to each labor union or representative of workers with whom they have a collective bargaining agreement, contract or understanding, a notice advising such union or representative of the contractor's commitment to non-discrimination practices and affirmative action practices, as applicable. Copies of the notice shall be posted in conspicuous places available to employees and to applicants for employment.

19.56 EQUAL OPPORTUNITY EMPLOYER STATEMENT. Contractors shall, in all advertisements or solicitations for employment placed on or by their behalf, state that the contractor is an equal opportunity employer.

19.57 RECORDS. The contractor shall maintain and furnish all information and reports related to affirmative action plans as required and shall permit access to books, records and accounts by the contract compliance officer for the purposes of investigation to ascertain compliance.
[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.58 WRITTEN AFFIRMATIVE ACTION PLAN REQUIRED. Contractors who have twenty (20) or more employees and a contract of $20,000 or more must submit a written affirmative action plan, which conforms to the county model affirmative action plan, to the contract compliance program within fifteen (15) days of the effective date of the contract. The contract compliance officer may accept a copy of a current affirmative action plan filed with and approved by a federal, state or local governmental unit. Upon a contractor's failure to comply with the provisions of this contract, the county may take any of the following actions: terminate contract, suspend contract, debarment, recover damages.
[**History**: intro. am. and (1) - (7) rep., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.59 ANNUAL REVIEW. Contractors having contracts with the county shall regularly review and annually submit an updated affirmative action plan to the contract compliance officer.
[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

[**History**: 19.60 rep., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

[19.60 reserved.]

19.61 COMPLIANCE DEPENDENT UPON IMPLEMENTATION. A contractor's compliance is determined by the implementation of the affirmative action plan. However, the extent of the contractor's documented good faith efforts toward the accomplishment of stated goals shall also be taken into account in the determination of compliance.
[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.62 OFFICER'S AUTHORITY TO REVIEW. The contract compliance officer shall review affirmative action plans to determine compliance, for all county contractors not exempted by section 19.52, any time after thirty (30) days of the signing of a contract and for up to one year from the effective date of the contract, or where a conciliation agreement has been developed for the length of the agreement. The contract compliance officer shall use the following compliance review process:
(1) Where required by section 19.58, affirmative action plans must be submitted within fifteen (15) days of the effective date of a contract.
(2) If the contract compliance officer determines deficiencies exist after a desk audit of the affirmative action plan and supportive data, or if the contractor is in noncompliance with the applicable ordinance provision, the contract compliance officer shall attempt to facilitate compliance.
(3) If compliance is not achieved within ninety (90) days from the notification of deficiency and request for compliance, the contract compliance officer shall recommend to the commission to implement section 19.63.
[**History**: intro. and (1)-(3) am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.63 OFFICER'S REMEDIES WHERE DEFICIENCIES EXIST.
(1) Whenever deficiencies exist and a conciliation agreement cannot be developed or is not being implemented, the contract compliance officer may exercise the county's contractual remedies, including holding in abeyance payment, monitoring continuance of progress towards meeting the obligations of the contract or imposing the liquidated damages clause, if any, as set forth in the original contract.
(2) In addition to the remedies provided in subsection (1) above, the contract compliance officer may commence proceedings for debarment in accordance with the procedures set forth in section 19.64 below.
[**History**: (1) and (2) am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.64 DEBARMENT PROCEDURES. The proceedings for debarment shall be initiated as follows by the contract compliance officer when noncompliance has been determined in the areas of non-discrimination and lack of good faith efforts:
(1) Whenever the contract compliance officer makes an initial determination that debarment should occur such officer shall, with the approval of the equal opportunity commission, file such determination, along with a request for such hearing, with the contract compliance hearing board. Such filing shall constitute commencement of debarment proceedings.
(2) Notice of commencement of debarment proceedings shall be sent to the subject contractor within five (5) work days of the filing. Said notice may be sent via certified mail or any other manner reasonably calculated to give the contractor actual

notice of the commencement of proceedings. Any mailing not returned as undelivered shall be deemed received as of the date of mailing.

(3) The notice to the contractor shall contain the initial determination of the contract compliance officer, a statement of the reasons and supportive facts for seeking debarment and a statement that the contract compliance hearing board will hold a meeting within thirty (30) days of the date of the notice to determine whether debarment should occur. Said notice shall also set forth the requirements of subsections (4) through (9) below.

(4) Any contractor which is the subject of debarment proceedings may respond to the initial determination of the contract compliance officer by submitting to the contract compliance hearing board an answer, in writing, within fifteen (15) days of the date of the notice. Failure to respond shall be deemed an admission of all facts stated in the initial determination.

(5) The contract compliance hearing board shall hold a meeting to determine whether debarment should occur within thirty (30) days of the date of commencement of debarment proceedings.

(6) Notice of the date, time and place of the meeting shall be sent to the contract compliance officer and the subject contractor within thirty (30) days prior to the date of such meeting. The contract compliance officer shall, and the contractor may, appear at the meeting and present to the contract compliance hearing board any matter relevant to the matter before the board.

(7) Rules of evidence shall not apply, but the board may exclude impertinent, repetitious, irrelevant or unreliable hearsay.

(8) The contract compliance hearing board shall make findings, conclusions and a final determination whether debarment should occur within thirty (30) days of its meeting.

(9) If a decision for debarment is made, the contractor shall be debarred until the contract compliance officer determines that compliance is achieved or up to one year, and the decision shall be forwarded to the equal opportunity commission chairperson, the contractor and the appropriate federal, state and local contract compliance program personnel.

(10) The action of the contract compliance hearing board shall be the final determination in the case.

(11) If at any point in the below described proceedings, a conciliation is reached, the proceedings shall be discontinued.

[**History**: (intro.) and (1)-(6), (9) and (11) am. and (12) rep., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (1) and (9) am., OA 17, 1999-2000, pub. 12/14/99.]

19.65 ORDINANCES TO BE INCORPORATED. Sections 19.50 through 19.72 of the Dane County Code of Ordinances shall be incorporated into all contracts as "contract" is defined in section 19.51(8) of these ordinances.

[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.66 COMPLIANCE ASSISTANCE AND TRAINING. The contract compliance officer shall, with the support of the commission, provide assistance and training in all county compliance requirements to contractors who are subject to sections 19.58 through 19.65.
[**History**: am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.67 CONTRACT COMPLIANCE OFFICER'S DUTIES. It shall be the duty and responsibility of the contract compliance officer to coordinate and implement Dane County's contract compliance program to ensure compliance with this chapter by all contractors, as defined in section 19.51(10), Dane County Ordinances. To that end, the contract compliance officer or designee shall perform the following functions:
(1) Encourage targeted businesses participation in the bidding and contracting process of the contracting agencies.
(2) Coordinate and implement Dane County's targeted businesses program.
(3) Report in writing at least quarterly to the county executive and the commission on progress toward achieving contract compliance and targeted businesses goals and objectives.
(4) Investigate contract compliance complaints of discrimination and commence proceedings for debarment pursuant to s. 19.64 when appropriate.
(5) Research, develop and set standards of compliance for those contractors doing business with contracting agencies.
(6) Provide for periodic monitoring, evaluation and review of contractors of contracting agencies to assure that such contractors are equal opportunity employers and, when required, affirmative action employers.
(7) Take any other action necessary and appropriate to ensure compliance with this chapter by all contractors and contracting agencies.
(8) The contract compliance officer shall perform the administrative activities required by this subchapter.
[**History**: (intro.) am.; (1) rep.; (2), (3), (4) and (5) renum. as (1), (2), (3) and (4), and as renum., am.; (6), (7) and (8) renum as (5), (6) and (7).; and (8) cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97; (3) am., OA 17, 1999-2000, pub. 12/14/99.]

19.68 DUTIES OF DEPARTMENT HEADS. It shall be the duty and responsibility of department heads to:
(1) Comply with the policy and practices of the contract compliance program.
(2) Assist in assuring that all contractors doing business with Dane County are equal opportunity employers.
(3) Use only purchase orders, contracts or any other written agreements which declare that the supplier must be an equal opportunity employer and comply with the provisions of this ordinance.
(4) During the formal bidding for any goods or services, notify any known targeted businesses providing such goods or services of Dane County's need to purchase such goods or services and encourage them to submit an estimate of cost for such items.
[**History**: (intro.) am., (1), (2) and (3) renum. as (2), (3) and (4) and (4) am.; and (1) cr., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

[19.69–19.70 reserved.]

[**History**: ss. 19.69 and 19.70 rep., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

19.71 COMPLAINTS OF DISCRIMINATION.

(1) Upon receiving a complaint which indicates an issue of non-compliance on the part of any contractor, the contract compliance officer shall investigate and attempt to reach a resolution of the issue in conformity with the intent of this subchapter.

(2) The contract compliance officer may refer complaints to other agencies.

(3) Upon determination of non-compliance, the contract compliance officer shall proceed in accordance with section 19.64.

[**History**: (1) am., (2) and (3) rep., (2) cr., and (3) renum. from (4) and as renum., am., Sub. 4 to OA 49, 1995-96, pub. 01/21/97.]

[19.72-19.99 reserved.]

END OF CHAPTER

The provisions of Res. 393, 1993-94, are superseded by this ordinance. See Article 2 of Sub. 4 to OA 49, 1995-96, pub. 01/21/97.