

NONDISCRIMINATION CLAUSES

During the term of this Contract, the Contractor agrees as follows:

- (a) Contractor shall not discriminate against any employee, applicant for employment, independent Contractor, or any other person because of age, religion, race, color, sex, sexual orientation, national origin, marital status, disability, military status, arrest record, prior conviction, predisposing genetic characteristics, familial status, gender identity, gender expression, or domestic violence victim status. Contractor shall take affirmative action to ensure that applicants are employed, and that employees or agents are treated during employment, without regard to their age, religion, race, color, sex, sexual orientation, national origin, marital status, disability, military status, arrest record, prior conviction, predisposing genetic characteristics, familial status, gender identity, gender expression, domestic violence victim status, or retaliation for participating in human rights protected activities. Such affirmative action shall include, but is not limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; including selection for apprenticeship and training.
- (b) Contractor shall post and keep posted in conspicuous places, available to employees and applicants for employment, notices to be provided by the Tompkins County Office of Human Rights setting forth the substance of the provisions of clause (a) and such provisions of the federal, state, and local Tompkins County Laws against discrimination.
- (c) Contractor shall, in advertisements or requests for employment placed by it or on its behalf, state all qualified applicants will receive consideration for employment without regard to age, religion, race, color, sex, sexual orientation, national origin, marital status, disability, military status, arrest record, prior conviction, predisposing genetic characteristics, familial status, gender identity, gender expression, domestic violence victim status, or retaliation for participating in human rights protected activities.
- (d) Contractor shall send each labor union or workers' representative with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Tompkins County Office of Human Rights, advising said labor union or workers' representative of its commitment to clauses (a) through (k) of this nondiscrimination notice, hereinafter called "nondiscrimination clauses." Similar notice shall be sent to every other source of recruitment regularly utilized by Contractor.
- (e) Contractor shall include all provisions of these nondiscrimination clauses in every subcontract or purchase order so that such provisions will be binding upon each Subcontractor. Contractor will take such action in enforcing such provisions of such subcontract or purchase order as the contracting agency may direct, including sanctions or remedies for non-compliance.
- (f) Contractor agrees that it will not discriminate against any employee or applicant for employment to the extent required by Article 15 of the Executive Law of the State of New York (Sections 291-299) and all other federal, state, and local Tompkins County statutory and constitutional non-discrimination provisions.
- (g) Contractor agrees to comply with the policies of the New York State Office of Temporary & Disability Assistance (OTDA) to encourage the employment of qualified applicants or recipients of public assistance by both public organizations and private enterprises that are under contractual agreement to OTDA for the provision of goods and services. Contractor will be expected to make best efforts in this area. OTDA may require Contractor to demonstrate how Contractor has complied or will comply with the aforesaid policy. Contractor further agrees that it will comply with applicable federal, state

and local requirements concerning Equal Employment Opportunity (EEO) and opportunities for Minority and Women Business Enterprises (MBWE), including but not limited to its implementing regulations as promulgated by the New York State Division of Minority and Women's Business Development (DMWBD) and set forth at 5 NYCRR Parts 140-144. Contractor further agrees that it will comply with OTDA's Appendix Z for the specific EEO/MWBE requirements and associated forms required for this contract.

- (h) Contractor shall furnish all necessary employment documents and records to, and permit access to its books, records and accounts by the contracting agency and the Bureau of Minority and Women Business Opportunities (BMWBO) for purposes of investigation to ascertain compliance with the provisions of this clause. If Contractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting agency and/or the BMWBO.
- (i) Where the practice of a union or of any training program or other source of recruitment will result in the exclusion of underrepresented groups or persons, so that Contractor will be unable to meet its obligations under this nondiscrimination clause, Contractor shall then employ and fill vacancies through other nondiscriminatory employment procedures.
- (j) It shall be no defense to a finding of noncompliance with this nondiscrimination clause that Contractor had delegated some of its employment practices to any union, training program, or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that Contractor was not on notice of the third-party discrimination or made a good faith effort to correct it, such factors shall be considered in mitigating appropriate sanctions.
- (k) In the event of Contractor's noncompliance with the nondiscrimination clauses of this contract or with any such laws, this Contract may be terminated or suspended, in whole or in part, and Contractor may be declared temporarily ineligible for further contracts, and other sanctions may be imposed and remedies invoked.

GENERAL CONDITIONS ACCEPTED BY:

Firm: _____

By: _____

Date: _____

Title: _____