

CITY OF GRAND RAPIDS

ADMINISTRATIVE GUIDELINES FOR EQUAL OPPORTUNITY AND NON-DISCRIMINATION UNDER CITY COMMISSION POLICIES:

- 600-10 EQUAL OPPORTUNITY, NON-DISCRIMINATION
AND PREVENTION OF WAGE THEFT IN CITY
CONTRACTING**

- 900-09 APPLICATIONS FOR INDUSTRIAL FACILITIES
EXEMPTION CERTIFICATE UNDER ACT 198 OF
THE PUBLIC ACTS OF 1974, AS AMENDED**

- 900-38 APPLICATIONS FOR PERSONAL PROPERTY TAX
RELIEF UNDER ACT 328 OF THE PUBLIC ACTS OF
1998**

October, 2015

**ADMINISTRATIVE GUIDELINES FOR
EQUAL OPPORTUNITY AND NON-DISCRIMINATION
UNDER CITY COMMISSION POLICIES 600-10, 900-09 AND 900-38**

TABLE OF CONTENTS

Section I: Forward

1.1 Authority, Purpose and Applicability	1
1.2 Equal Opportunity and Non-Discrimination Clause.....	1
1.3 Declaration of Non-Participation in Wage Theft Activities.....	2

Section II: Definitions

2.1 Definitions.....	2
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Section III: Compliance Process

3.1 Compliance under City Commission Policy 600-10	7
3.2 Tax Abatements under City Commission Policies 900-09 and 900-38	7
3.3 Reviewing Information Submitted in Accordance with this Section.....	8
3.4 Bid Awards	9

Section IV: Sanctions

4.1 Failure to Comply	9
4.2 Non-compliance Notice	9
4.3 Wage Theft Activities.....	9
4.4 Contract Sanctions	10

Section V: Appeals

5.1 Appeal of Administrative Decisions	10
5.2 Appeal of Community Relations Commission Decisions	11
5.3 Exceptions to the Equal Opportunity and Non-discrimination in City Contracting Policy Requirements.....	12

Section VI: SEVERABILITY 12

Attachments: Forms and Resources

EEO 200 –Commitment to Equal Employment Opportunity & Covenant of Non-Discrimination.....	14
EEO 201 –Contract Compliance Datasheet	15
EEO 202 – Covenant of Non-Participation in Wage Theft Activities	16
General Target Area Map.....	17
Sample EEO Forms.....	18

SECTION I: FORWARD

1.1 Authority, Purpose and Applicability

These Guidelines are promulgated by the City Manager pursuant to authority granted to the City Manager under the City Commission Policies 600-10, 900-09 and 900-38 adopted by the City Commission on the 22nd of September, 2010.

In support of the City of Grand Rapids' Mission Statement and City Commission Sustainability Plan, the purpose of these Administrative Guidelines is to promote equal employment opportunity and non-discrimination by:

- A. Establishing reporting requirements of firms that conduct business with the City in the amounts annually cumulative of \$10,000 or more under City Commission Policy 600-10.
- B. Establishing reporting requirements for firms seeking tax abatement benefits under City Commission Policies 900-09 and 900-38.

1.2 Equal Employment Opportunity and Non-Discrimination Clause:

All contracts on projects, purchases, or services, the cost of which is projected to be \$10,000 or more, shall include the following (or similar) clause:

Equal Employment Opportunity and Non-Discrimination Clause:

COMPANY NAME agrees not to discriminate against any employee or applicant for employment to be employed in the performance of the Services with respect to hire, tenure or conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, creed, color, religion, natural origin, age, sex, height, weight, disability, sexual orientation, gender identity or marital status.

COMPANY NAME agrees to review and examine with Client staff relevant employment data and other information pertaining to hiring practices. COMPANY NAME will not discriminate in the administration of contracts and acquisitions in the performance of the Services. Breach of this covenant may be regarded as a material breach

of this Agreement as provided for in the Michigan Civil Rights Act 453 of the Public Acts of Michigan, as amended, and Grand Rapids City Commission Policy 600-10.

Specific requirements regarding the City's policy are included in these administrative guidelines.

1.3 Declaration of non-participation in Wage Theft activities:

Before awarding of any city contract under requirements of these guidelines, the company must sign or have on file with the City, a statement, attesting that they have not engaged in Wage Theft during the previous twenty four months and will not do so during the course of their proposed contract with the City.

SECTION II: DEFINITIONS

2.1 Definitions:

- A. Bidder: A business who submits an offer in response to a request for a bid or quote.
- B. Compliant Business: A business which has complied with the requirements of the Equal Opportunity and Non-discrimination in City Contracting policy as verified by the Office of Diversity and Inclusion to do business for \$10,000 or more with the City of Grand Rapids.
- C. Compliance: The condition existing when a firm meets the requirements of these administrative guidelines.
- D. Contract Compliance Forms: City of Grand Rapids forms EEO 200, EEO 201, and EEO 202 which attests to a firm's commitment to equal employment opportunity, non-discrimination, declaration of non-participation in Wage Theft activities, workforce diversity and willingness to provide their existing workforce information.
- E. Discrimination: Illegal treatment of a person or group (either intentional or unintentional) based on race, creed, color, religion, natural origin, age, sex, height, weight, disability, sexual orientation or gender identity or marital status.

F. EEOC Job Categories: Federally designated groupings of positions which include:

1. Officials and Managers (OM): Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies and direct individual departments or special phases of a firm's operation. Includes: officials, executives, middle management, plant managers, department managers and superintendents and salaried supervisors who are members of management.
2. Professionals (P): Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, personnel and labor relations specialists, surveyors, and teachers.
3. Technicians (T) (Para-professionals): Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about two years of post-high school education, such as offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, draftspersons, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, and technicians (medical, dental, etc).
4. Sales workers (S): Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks and cashier checkers.
5. Office & Clerical (OC): Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is induced. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators,

shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, and legal assistants.

6. Skilled Craft Workers (SCW): Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters, pattern and model makers, stationary engineers, tailors, arts occupations, painters and coaters.
7. Semi-skilled Workers (SSW) (Operatives): Workers who operate machines or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, laundry and dry cleaning operatives, mine operatives and laborers, motor operators, oilers and greasers, welders, electrical and electronic equipment assemblers, inspectors, testers and graders, and hand packers and packagers.
8. Laborers (UW) (Unskilled Workers): Workers in manual occupations which generally require no special training to perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and grounds keepers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.
9. Service Workers (SW): Workers in both protective and non-protective service occupations. Includes: attendants, nurses aides, orderlies, barbers, cleaners, cooks, counter workers, elevator operators, doorkeepers, stewards, janitors, guides and ushers.

- G. Equal Business Opportunity: The provision of business practices and principles that ensure non-discrimination in the acquisition, performance and the administration of contracts and subcontracts.
- H. Equal Employment Opportunity: The provision of full employment opportunities, i.e., hiring, promotion, etc., without discrimination based on religion, race, color, national origin, age, sex, height weight, marital status, arrest record, or disability as defined in the Elliott-Larsen Civil Rights Act, 1976 P.A. 453, and the Persons with Disabilities Civil Rights Act, 1976 P.A. 220. (*Michigan Department of Civil Rights*)
- I. General Target Area: The General Target Area (GTA) is a geographic area of the City targeted for housing and community development activities. The GTA includes nonresidential areas and deteriorated residential neighborhoods where program services for home maintenance, emergency repairs, homebuyer assistance, economic development, and code enforcement are provided. The GTA is established by the Department of Housing and Urban Development and the geographical areas are identified and mapped by the City.
- J. Minority: A person who is a citizen or lawful resident of the United States who is:
1. Black: a person having origin in any of the black racial groups of Africa.
 2. Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, South or Central American ancestry. Persons with European Spanish ancestry are not included as Hispanic or Latino for purposes of these administrative guidelines.
 3. Asian American: a person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands.
 4. American Indian: a person having origins in any of the original peoples of North America.
- K. Non-compliance: The condition existing when a firm fails to meet the requirements of these Guidelines or the Contract Compliance Policy.

- L. Non-discrimination: The practice or policy of refraining from discrimination or unequal treatment.
- M. Person with a Disability: A person who (1) has a physical or mental impairment that substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment.
- N. Vendor: A company who has done business with (sold to) the City.
- O. Veteran: As defined at 38 U.S.C. 101(2), means a person who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.
- P. Wage Theft: The illegal withholding of wages or the denial of benefits that are rightfully owed to an employee. Wage theft can be conducted through various means: overtime violations, minimum wage violations, employee misclassification, illegal deductions in pay, working off the clock, or not being paid at all. These violated rights have been guaranteed to workers in the United States since 1938 by the Fair Labor Standards Act (FLSA), and since that time by numerous state and local laws.
- Q. White: (not of Hispanic origin). All individuals with origins in any of the original peoples of Europe, North Africa, or the Middle East.
- R. Workforce Diversity: The City seeks to conduct business with firms that can demonstrate an appreciation, management and maximization of the unique skills, talents, experiences and differences that employees bring to the workforce which include but are not limited to race, color, national origin, religion, gender, age, height, weight, marital status, disability, veteran status, education, language skills, sexual orientation, gender identity, socio-economic status, geographic location, political and religious affiliations. Thus, firms seeking to do business with the City should promote equal employment opportunities and non-discriminatory practices in all of their employment processes.

SECTION III: COMPLIANCE PROCESS

3.1 Compliance under City Commission Policy 600-10

A. Who must comply:

1. All bidders for City projects, purchases, or services who expect to receive contract in the amount of \$10,000 or more shall comply with these Administrative Guidelines prior to bid acceptance and contract award
2. All vendors who receive contract(s) from the City of Grand Rapids over \$10,000 or receive contracts annually cumulative to or over \$10,000 shall maintain compliance with this policy, including the periodic reporting requirements, for the duration of the contract(s).

B. Who need not comply:

1. Firms who do not anticipate doing business with the City in excess of \$10,000.
2. Governmental or public entities (municipalities, colleges and universities, counties, etc.), authorities, utility providers, and non-profit agencies who receive grant funding through the City.

3.2 Tax Abatements under City Commission Policies 900-09 or 900 38:

A. All firms seeking tax abatements must complete and include all data requested on Form EEO 200 and EEO 201. The Office of Diversity and Inclusion will review, maintain and analyze the data contained on the firm's report and notify the firms and the Economic Development Department of the firm's compliance.

B. Firms certified for tax abatement purposes must submit a Form EEO 201 annually on or before the Commission approval anniversary date for the duration of the tax abatement period. This updated report will be in addition with other reporting requirements that the firm must file with the City's Economic Development Department, but addressed to the attention of the Office of Diversity and Inclusion.

3.3 Reviewing Information Submitted in Accordance with this Section:

A. Compliance Process

Firms must submit or have on file with the Office of Diversity and Inclusion, completed forms Covenant of Non-discrimination with the City of Grand Rapids (EEO 200) Permanent Workforce Data (EEO 201), and Covenant of Non-participation in Wage Theft activities (EEO 202), prior to and for the duration of any contract awarded under this policy.

Form EEO 200 and 202 will remain on file with the Office of Diversity and Inclusion. EEO form 201 must be completed and filed with the Office of Diversity and Inclusion and updated every three (3) years unless requested by the Office of Diversity and Inclusion. Firms completing and submitting these forms shall be determined to be in compliance.

B. Information Review:

The City shall review, maintain and verify all information submitted by firms. Reasonable care shall be taken to ensure that such a review does not unnecessarily encumber the City's contracting or purchasing procedures. In those cases where the information submitted is insufficient, the firm will be advised of the additional documentation necessary to complete the review.

C. Information Verification:

The City reserves the right to request such records necessary to verify the information provided on the EEO 201 report. At the discretion of the City Manager, or his/her representative, examinations may be conducted as necessary to ensure compliance with these Guidelines.

D. Review Requirements:

The Office of Diversity and Inclusion will make tri-annual reviews of compliant information separately or in conjunction with other reports to the City Manager and the City Commissioners.

E. Administrative costs:

Firms who receive contracts under this policy are subjected to a once-annual administrative cost factor of \$100.00 for the duration of their contract(s) without regard to the total value of the contract(s) or the total

number of contracts. This cost will be deducted from a disbursement when the \$10,000 threshold has been paid.

3.4 Bid Awards:

In those cases where a vendor or a contractor is not compliant after submitting a bid but before the award, the City will accept the affected bid, and if it is low, hold it in abeyance until the vendor or contractor becomes compliant within a period not to exceed two (2) business days or the length of time deemed appropriate by the City. If compliance is not received, the bid will be considered non-responsive and the next low qualified bid will be accepted.

SECTION IV: SANCTIONS

4.1 Failure to Comply:

Vendors or contractors who refuse to provide compliance information will be considered “non-responsive” and will not have their bids considered. Vendors, contractors, or subcontractors who refuse to provide updates will not be allowed to renew their current contracts.

4.2 Non-compliance Notice:

Firms will receive written notification of their responsibility to provide compliance update material to the Office of Diversity and Inclusion thirty days (30) before their tri-annual review date. Firms that fail to update this information may be determined to in non-compliance by the City Manager or his/her representative. When a firm is becomes non-compliant, the City shall notify the firm of the appeal procedures available and the conditions that must be met before the firm can be reinstated. Current contracts with non-compliant firms will not be renewed.

4.3 Wage Theft Activities:

A firm found responsible for a federal, state, or local violation of wage theft as defined in §2.1 P of these guidelines by a federal, state or local court or agency may be considered in violation of the wage theft provisions of this policy. When

such finding is reported to or discovered by the City of Grand Rapids within 24 months of its occurrence, the City may impose sanctions under Section 4.4 for the following 24 month period.

4.4 Contract Sanctions:

Firms that are under contract with the City shall be subject to the usual contracting sanctions in addition to those sanctions set forth in paragraph 4.1, 4.2, and 4.3 of these Guidelines. Such sanctions include but are not limited to withholding all or part of the contract payments, disbarment of the firm(s), suspension of contract activities, or termination of the contract. However, that no contract shall be suspended or terminated until the appeals process has been exhausted where the firm files an appeal in accordance with Sections 5.1 and 5.2 of these Guidelines within the appropriate time limitations.

SECTION V: APPEALS AND EXCEPTIONS

5.1 Appeal of Administrative Decisions:

Administrative decisions made by the City Manager or his/her representative resulting in the removal of a firm from the compliance list may be appealed to the Community Relations Commission. Firms seeking to file such an appeal must do so within five (5) working days of the notice of the administrative decision.

The request for appeal must be in writing and addressed to the Diversity and Inclusion Manager and must make specific reference to the specific action or actions at which the appeal is directed. Within ten (10) calendar days of the request for appeal, the Community Relations Commission shall hold a hearing at which City staff and the firm may present evidence and arguments in support of their respective positions. Failure on the part of the firm to appear at the hearing shall be deemed to be final acceptance of the administrative decision. Within five (5) working days of the hearing, the Community Relations Commission shall distribute its written decision. The Community Relations

Commission may affirm, modify, or reverse all or any part of an administrative decision.

5.2 Appeal of Community Relations Commission Decisions:

The decisions of the Community Relations Commission which denies an appeal from an aggrieved party may be appealed to the City Commission. Request for such appeals shall be filed with the Office of Diversity and Inclusion Manager within five (5) calendar days of the notice of the decision in question. The request for appeal must make specific reference to the decision of the Community Relations commission being appealed. Following receipt of the request for an appeal, the City's Office of Diversity and Inclusion Manager shall schedule the matter for hearing by the City Commission. The party requesting the appeal shall be notified in writing of the time, date and place when the appeal will be heard. Failure on the part of the party to appear at the hearing shall be deemed by the City as a final acceptance of the Community Relations Commission's decision.

All appeals from the Community Relations Commission's decisions which deny either a contractor's appeal or request for an exception by the City Manager (or designee) shall be heard under a procedure established by the City Commission. The appealing party shall be notified of the procedure to be followed. The procedure shall conform with basic due process. The City Commission shall, within ten (10) calendar days of the hearing, render a decision by a majority vote of those hearing the appeal and also present at the regular public meeting at which the vote is taken. The City Commission may affirm, modify or reverse, in whole or in part, the decision of the Community Relations Commission. The decision of the City Commission shall be final.

5.3 Exception to Equal Opportunity, Non-Discrimination and Prevention of Wage Theft in City Contract Policy Requirements

In those situations where extenuating circumstances have prevented firms from complying with these Guidelines, the City Manager or his/her representative

shall have the discretion to waive the defect where he/she has determined that it is in the best interest of the City to do.

Contractual agreements with other government entities, utilities, and financial institutions (banks, credit union, etc.) are excluded under the requirements set forth in these Guidelines.

If federal financial assistance is used to support all or part of a project, purchase or service, and if federal affirmative action requirements apply to that project, purchase or service, those federal requirements shall supersede, where necessary, the requirements set forth in these Guidelines.

SECTION VI: SEVERABILITY

If any provision of these Administrative Guidelines or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Administrative Guidelines which can be given effect without the invalid provisions or applications, and are to this end declared to severable

All questions regarding these Administrative Guidelines should be referred to the Manager of Diversity and Inclusion, City of Grand Rapids, 300 Monroe, N.W. Grand Rapids, MI 49503, (616) 456-3027.

Promulgated this ___this day of October, 2013 by the City Manager under the authority of City Commission Policy 600-10. Effective immediately.

Gregory Sundstrom
City Manager



**COVENANT OF NON-DISCRIMINATION
WITH THE
CITY OF GRAND RAPIDS**

It is the policy of _____ to promote equal employment opportunity for all qualified employees and applicants for employment and to prohibit discrimination in employment because of race, creed, color, religion, natural origin, age, sex, height, weight, disability, sexual orientation, gender identity, or marital status. We will work to ensure fair, just, and equitable treatment of all employees and applicants for employment in recruitment, employment, promotions, demotions, transfers, layoffs, and terminations.

We are, also, committed to equal business opportunity by using fair, just, equitable criteria for doing business. We will ensure non-discrimination in the performance and administration of contracts and acquisitions; provide fair and equal access for business participation, and make decisions that promote fair trade and inclusion.

Our staff is expected to comply with both the letter and the spirit of this covenant.

This commitment is understood by all departments, labor union(s), and recruitment sources.

Signature of EEO/Designated Officer

Date

Signature of Company Owner or Chief Executive Officer

Date



EEO 202

**COVENANT OF NON-PARTICIPATION IN
WAGE THEFT ACTIVITIES**

_____ attest and affirm that we have not engaged in wage theft activities during the previous twenty four (24) months. Additionally, we attest and affirm that we will not engage in wage theft activities during the course of our contract with the City of Grand Rapids.

This covenant is understood by all departments, labor union(s), and recruitment sources.

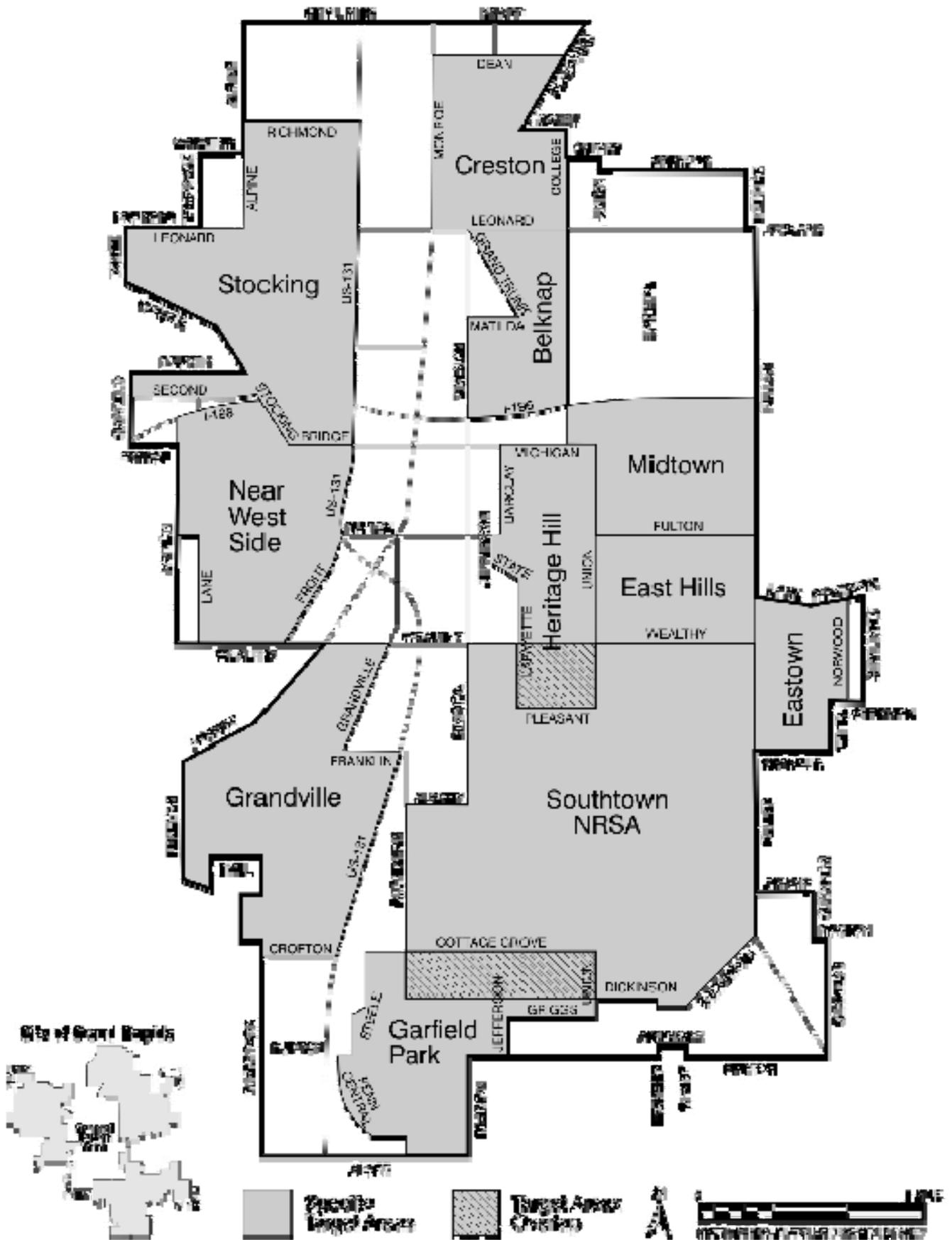
Signature of EEO/Designated Officer

Date

Signature of Company Owner or Chief Executive Officer

Date

City of Grand Rapids General Target Area





EEO 200

**COVENANT OF NON-DISCRIMINATION
 WITH THE
 CITY OF GRAND RAPIDS**

It is the policy of XYZ Distributors, Inc to promote equal employment opportunity for all qualified employees and applicants for employment and to prohibit discrimination in employment because of race, creed, color, religion, natural origin, age, sex, height, weight, disability, sexual orientation, gender identity, or marital status. We will work to ensure fair, just, and equitable treatment of all employees and applicants for employment in recruitment, employment, promotions, demotions, transfers, layoffs, and terminations.

We are, also, committed to equal business opportunity by using fair, just, equitable criteria for doing business. We will ensure non-discrimination in the performance and administration of contracts and acquisitions; provide fair and equal access for business participation, and make decisions that promote fair trade and inclusion.

Our staff is expected to comply with both the letter and the spirit of this covenant.

This commitment is understood by all departments, labor union(s), and recruitment sources.

Mary Wilson, Human Resources Director
 Signature of EEO/Designated Officer

January 1, 2011
 Date

John C. Smith, Owner
 Signature of Company Owner or Chief Executive Officer

January 1, 2011
 Date



EEO 201

(Please complete all sections of this form to ensure compliance.)

Company Name: XYZ Distributors Inc		Federal Taxpayer ID: 00-0000000
Address: 444 Grand Blvd Grand Rapids, MI 49508		
Phone Number: (616) 444-0000	Fax Number: (616) 444-0110	Type of Service Provided: General Contractor -Construction
General Manager: John C. Smith Phone: (616) 444-0000		EEO Officer: Mary Wilson Phone: (616) 444-0000
Are You Applying for a Tax Abatement? YES or NO (Circle)		Do You have an Existing Tax Abatement? YES or NO (Circle)

EEO JOB CATEGORY	Total	Current Permanent Workforce (All Michigan Locations)											
		WM	WF	BM	BF	HM	HF	AM	AF	NAM	NAF	M/O M	M/O F
Officials/Managers	9	9											
Professionals	10	10											
Technicians	1	1											
Sales Workers	31	29		1				1					
Administrative Support	16	5	9				1						
Craft Workers	46	42		2		1						1	
Operatives (Semi-Skilled)	2	2											
Laborers (Unskilled)	12	11	1										
Service Workers	24	22				1							1
Total Workforce	T 150	131	10	3	1	1	1	1	0	0	0	1	1

Workforce within Grand Rapids City Limits
(Required)

(a) 90
Number

60% $a \div T$ (90÷150)
Percentage of Total Workforce

Employees who are City of Grand Rapids Residents
(Required)

(b) 75
Number

50% $b \div T$ (75÷150)
Percentage of Total Workforce

Employees who are City of Grand Rapids Residents
AND who are GTA Residents (see Map p.14)

(c) 45
Number

60% $c \div b$ (45÷75)
Percentage of City Residents

Veteran Employees

(d) 10
Number

6.7% $d \div T$ (10÷150)
Percentage of Total Workforce

Disabled Employees

(e) 4
Number

2.7% $e \div T$ (4÷150)
Percentage of Total Workforce

WM = White or Caucasian Male
WF = White or Caucasian Female
BM = Black or African American Male
BF = Black or African American Female

HM = Hispanic Male
HF = Hispanic Female
AM = Asian Male
AF = Asian Female

NAM = Native American or American Indian Male
NAF = Native American or American Indian Female
M/O M = Multi Racial & Other Race Male
M/O F = Multi Racial & Other Race Female



City of Grand Rapids
 Office of Diversity and Inclusion
 300 Monroe NW, Suite 840
 Grand Rapids, MI 49503
 (616) 456-3027

EEO 202

**COVENANT OF NON-PARTICIPATION IN
 WAGE THEFT ACTIVITIES**

XYZ Distributors, Inc attest and affirm that we have not engaged in wage theft activities during the previous twenty four (24) months. Additionally, we attest and affirm that we will not engage in wage theft activities during the course of our contract with the City of Grand Rapids.

This covenant is understood by all departments, labor union(s), and recruitment sources.

Mary Wilson, Human Resources Director
 Signature of EEO/Designated Officer

January 1, 2011
 Date

John C. Smith, Owner
 Signature of Company Owner or Chief Executive Officer

January 1, 2011
 Date