ORDINANCE No. 180077

Require contractors on City contracts to provide equivalent employee benefits between their employees with domestic partners and their employees with spouses (Ordinance; add Code Sections 3.100.050 through 3.100.056)

The City of Portland ordains:

Section 1. The Council finds:

- 1. For many years, the City of Portland has sought to prohibit discrimination on the basis of sexual orientation and marital status in a variety of ways.
- 2. In 1991, the Portland City Council adopted Ordinance No. 164709, which, as subsequently amended, now prohibits discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income.
- 3. Portland City Code (PCC) 3.100.005 provides, in part, that the City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. Prohibited discrimination includes discrimination based on sexual orientation and marital status.
- 4. In 1997, the City Council adopted Ordinance 171418, now PCC 3.100.041. That code provision provides, in part, that any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than \$2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. A certified EEO employee is one that does not discriminate on the basis of sexual orientation or marital status, among other factors.
- 5. Employee benefits routinely comprise between 30 and 40 percent of total employee compensation.
- 6. Employees who have spouses are often offered benefits for their spouses while employees with domestic partners often are not. This results in unequal compensation for equal work.
- 7. It is the City's intent, through the contracting practices outlined herein, to ensure that in the spending of public money that such money is spent in a way that equalizes, to the extent possible, compensation between similarly situated employees with spouses and employees with domestic partners.
- 8. It is not the City's intention to regulate defined benefit plans, including but not limited to union benefit plans through this ordinance, but only to establish under what conditions the City will participate in the commercial marketplace.

9. One state and eleven cities and counties within the United States have adopted ordinances or laws with similar provisions: States: State of California; Cities and Counties: Berkeley, CA; King County, WA; Los Angeles, CA; Miami Beach, FL; Minneapolis, MN; Oakland, CA; Olympia, WA; San Francisco, CA; San Mateo County, CA; Seattle, WA; and Tumwater, WA.

NOW, THEREFORE, the Council directs:

- a. City Code Title 3 is amended by adding Sections 3.100.050 through 3.100.056 as set forth in Exhibit A attached hereto and incorporated herein by reference.
- b. To give adequate time for awareness about the ordinance and compliance, the provisions of Sections 3.100.050 through 3.100.056 shall apply to any contract awarded on or after January 1, 2007.
- c. Any contract for work that will not be completed prior to January 1, 2007, but awarded before January 1, 2007, shall consider including the provisions set forth in Chapter 3.100.050 through 3.100.056.
- d. The Bureau of Purchase is authorized to adopt any administrative rules reasonable or necessary for the implementation of this program.
- e. The Bureau of Purchases will present to the Council a status report on the implementation of the policy expressed in PCC 3.100.051 by February 1, 2008. This status report will include options for expanding the provisions to cover additional City contracts not covered under this ordinance, including but not limited to employee benefits, franchise, concessions, and contracts under the formal competitive solicitation threshold, and will specifically outline alternative program options and associated resource requirements.

Passed by Council, April 19, 2006 Commissioner Sam Adams Prepared by Jesse Beason April 6, 2006 GARY BLACKMER
Auditor of the City of Portland
By /S/ Colleen Phillips
Deputy

BACKING SHEET INFORMATION

AGENDA NO. 446 497-2006

ACTION TAKEN:

April 12, 2006 PASSED TO SECOND READING April 19, 2006 9:30 AM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 180077

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	