



COMMISSION RESOLUTION NO. 5169

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA, ADOPTING GENDER PAY EQUITY POLICIES FOR THE CITY AND ESTABLISHING REQUIREMENTS FOR CITY CONTRACTS AND AGREEMENTS OF ALL KINDS INCLUDING BIDDING AND CERTAIN PURCHASES

WHEREAS, the Equal Pay Act of 1963 (EPA), (Title VI of the Civil Rights Act of 1964; Section 140, Title 2, United States Code) prohibits pay discrimination on the basis of sex; and

WHEREAS, Section 39-3-104, MCA makes it unlawful for the state or any county, municipal entity, school district, public or private corporation, person, or firm to employ women in any occupation for compensation less than that paid to men for equivalent service or for the same amount or class of work or labor in the same industry, school, establishment, office, or place of employment of any kind or description; and

WHEREAS, Section 2-18-208, MCA requires the State of Montana Department of Administration to, in its continuous efforts to enhance the State's current classification plan and pay schedules, "work toward the goal of establishing a standard of equal pay for comparable worth by (1) eliminating, in the classification of positions, the use of judgments and factors that contain inherent biases based on sex; and (2) comparing, in the classification of positions, the factors for determining job worth across occupational groups whenever those groups are dominated by males or females; and

Resolution 5169, Adopting Gender Pay Equity Policies

WHEREAS, the City Commission adopted Resolution No. 4250 on March 29, 2010, requiring all written agreements entered into by the City to contain a provision prohibiting discrimination in the fulfillment of the agreement on the basis of race, color, religion, creed, sex, age, marital status, national origin, or actual or perceived sexual orientation, gender identity or disability; and requiring entities submitting bids, proposals, and statements of qualifications to the City to affirm it will not discriminate and recognize the eventual contract will prohibit discrimination; and

WHEREAS, the City Commission adopted Resolution No. 4601 on June 8, 2015, urging citizens to recognize the full value of women’s skills and significant contributions to the labor force; pledging to work to eliminate unequal pay for equal work; directing the City Manager to expand data collection for City employees to assess whether wage gaps exist within City government; committing to lead by example by directing the City Manager to evaluate City human resource and employment policies and practices against the “*Thrive Index*” or a similarly well-researched guide to best practices; and committing to commemorate Equal Pay Day each year; and

WHEREAS, the City wishes to continue to lead by example by renewing its commitment to certain best practices in hiring the City currently follows and adopting additional best practices in hiring; and

WHEREAS, the City seeks to encourage contractors and other parties entering into agreements with the City to adopt similar equal pay best practices, and

WHEREAS, the City’s Strategic Plan identified as action item (b) under Section 3, Safe, Welcoming Community, Subsection 3.3, Friendly Community, to “review the feasibility of all city vendors and suppliers to establish and enforce a gender pay equality policy.”

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NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Bozeman, Montana, that

Section 1: City Employment Practices

- A. The City will include pay ranges in published advertisements for open City staff positions.
- B. The City will require applicants to acknowledge they understand the published pay range for the open position.
- C. The City will not request salary history information during the hiring process.
- D. The City does not discriminate or retaliate against its employees who discuss or disclose their wages with others.
- E. The City will study wage data the City collects pursuant to Resolution No. 4601 and existing job classifications to work toward a goal of establishing a standard of equal pay for comparable worth in its job classifications and pay schedules.

Section 2: City Procurement Practices

- A. The nondiscrimination provision required by Resolution No. 4250 to be included in all City contracts shall be revised to include the Equal Pay Act of 1963 and Section 39-3-104, MCA (the Montana Equal Pay Act), and to add a requirement that contractors report to the City any violations of the Montana Equal Pay Act that the company has been found guilty of within 60 days.

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- B. The affirmation statement required by Resolution No. 4250 to be signed by entities submitting in response to Requests for Proposal, Requests for Qualifications, and Invitations to Bid shall be revised to add an acknowledgement that submitters must abide by 39-3-104, MCA, and that they have visited the Montana Equal Pay for Equal Work “best practices” website, <https://equal pay.mt.gov/BestPractices/Employers>, or equivalent “best practices” publication and have read the material as a condition of being awarded a contract. If a submitting entity refuses to affirm that it will comply with this requirement, the City shall consider the submitter non-responsive.
- C. The above requirements do not apply to the City’s issuance of general licenses such as business or pet licenses nor shall they apply to general or special permits or entitlements issued by the City. In addition, these requirements do not apply when the City enters into agreements to provide services such as garbage or recycling services, to another entity or individual. For purchases of goods and equipment, these requirements shall apply only where the City enters into a signed written agreement, other than a purchase order or receipts, for the purchase.

Section 3: Exceptions to be made by Commission

Exceptions to the City procurement practices in this policy may be made by the City Commission on a case-by-case basis.

Section 4: Interpretation

This Resolution shall in no way amend or restrict the application of Resolution No. 4250. This Resolution and Resolution No. 4250 must be interpreted and implemented so as to give full effect to both.

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Section 5: Implementation by City Manager


The City Manager shall implement this policy through administrative policies or through a formal administrative order so this policy will be distributed to all City personnel and implemented expeditiously upon adoption.

PASSED AND APPROVED by the City Commission of the City of Bozeman, Montana, at a regular session thereof held on the 18th day of May, 2020.

DocuSigned by:
Chris Mehl
CHRIS MEHL
Mayor

ATTEST:

DocuSigned by:
Mike Maas
MIKE MAAS
City Clerk

DocuSigned by:


APPROVED AS TO FORM:

DocuSigned by:
Greg Sullivan
GREG SULLIVAN
City Attorney