



## MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY INTERIM EQUAL EMPLOYMENT OPPORTUNITY GOAL REQUIREMENTS

Contractors and subcontractors that are constructing or rehabilitating housing developments assisted by the Michigan State Housing Development Authority (the “Authority”) are required to provide equal opportunity for employment as described below. In furtherance thereof, contractors performing work must implement an Equal Employment Opportunity Plan that is approved by the Authority. See Tab F – Preliminary Equal Opportunity Plan – of the Authority’s Combined Application for Rental Housing Programs for specific plan requirements.

### I. **Contractors or Subcontractors Holding Federally-Assisted Construction Contracts in Excess of \$10,000**

For contractors and subcontractors that hold any federally assisted construction contract in excess of \$10,000, all employees who are engaged in on-site construction, including those employees who work on a non-federally assisted construction site, are subject to regulations found in 41 CFR Part 60–4.<sup>1</sup>

Contractors and subcontractors will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, age, height, weight, disability or genetic information that is unrelated to the individual’s ability to perform the duties of a particular job or position, misdemeanor arrest where a conviction did not result, or marital status (the “Federally-Assisted Protected Classes”).<sup>2</sup> Contractors and subcontractors must also take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to the Federally-Assisted Protected Classes.<sup>3 4</sup> In furtherance of this policy, contractors and subcontractors must establish goals and

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<sup>1</sup> See 41 CFR § 60–4.1 (stating that this part applies to all contractors and subcontractors which hold *any* Federal or federally assisted construction contract in excess of \$10,000, and that the regulations are applicable to all of a construction contractor’s or subcontractor’s construction employees who are engaged in on site construction *including those construction employees who work on a non-Federal or nonfederally assisted construction site.*)

<sup>2</sup> See 41 CFR § 60–4.3 and 41 CFR § 60–1.4(b); the Elliot-Larsen Civil Rights Act, Act No. 453 of the Public Acts of 1976 of the State of Michigan, as amended; and the Persons With Disabilities Civil Rights Act, Act No. 220 of the Public Acts of 1976, as amended.

<sup>3</sup> See 41 CFR § 60–4.3 (requiring the EEO Clause at 41 CFR §60–1.4(b) to be included in federally assisted construction contracts and subcontracts, which clause requires that contractors take affirmative action with respect to the listed classes). 41 CFR § 60–4.3 also requires the specifications listed therein to be included in all federally assisted construction contracts in excess of \$10,000. These specifications generally appear to have been incorporated into Article 15 of the Authority’s “federally-assisted” General Conditions of the Construction Contract.

<sup>4</sup> See § 46 of the State Housing Development Authority Act, Act No. 346 of the Public Acts of 1966 (the “Authority Act,”), as amended, requiring that the Authority require that “contractors and subcontractors engaged in the construction of housing projects ... shall take affirmative action to assure an equal opportunity for employment...” Affirmative efforts related to age, height, weight, disability or genetic

timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work.<sup>5</sup> The documents listed below, and which are attached hereto, shall be used in conjunction with an approved Equal Opportunity Plan to evaluate satisfaction of established goals and timetables.

- a. Definition of Minority Groups
- b. Trade Categories for Monthly Utilization Report
- c. Certification of Signed Contract
- d. Reporting of Project Work Hours
- e. Certification as to Corporate Documents and Officers
- f. Certification of Signed Contract (Sample)
- g. Supplier Addendum
- h. EEO Compliance Review of Contractor's Cost Certification

## **II. Contractors or Subcontractors Not Holding Any Federally-Assisted Construction Contract in Excess of \$10,000**

Contractors and subcontractors holding construction contracts that are not federally-assisted must not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, height, weight, disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position, misdemeanor arrest where a conviction did not result, or marital status ("Non Federally-Assisted Protected Classes").<sup>6</sup> Contractors and subcontractors must take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to Non Federally-Assisted Protected Classes. Furthermore, contractors and subcontractors must also adopt an equal employment opportunity policy to inform employees and prospective employees of their rights under Michigan law and to acknowledge the obligation to take affirmative action to assure an equal opportunity for employment pursuant to § 46 of the State Housing Development Authority Act, Act 346 of 1966, as amended. For purposes of this section II, OAG No. 7308 affirms that state instrumentalities may not mandate preferential treatment to individuals or groups on the basis of race, sex, color, ethnicity, or national origin.

## **III. Contact Information**

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information, misdemeanor arrest record, and marital status are supported by this section of the Authority Act and provisions of the Elliot-Larsen Civil Rights Act and the Persons With Disabilities Civil Rights Act.

<sup>5</sup> See 41 CFR § 60-4.2(d).

<sup>6</sup> See the Elliot-Larsen Civil Rights Act, the Persons With Disabilities Civil Rights Act, and the Authority Act.