

LOCAL HIRE LABOR POLICY

COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY

The County of Westchester Industrial Development Agency (IDA) was created for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Westchester County.

The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Westchester County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs, though limited in time duration, are vital to the overall employment opportunities in Westchester County.

The IDA believes that companies benefiting from its incentive programs should employ local laborers, mechanics, craft persons, journey workers, equipment operators, truck drivers and apprentices (hereinafter “construction workers”), including those who have returned from military service, during the construction phase of projects.

In this way, the IDA can generate significant benefits to advance the County’s general prosperity. It is, therefore, the policy of the IDA that firms benefiting from its programs shall employ workers in Westchester County during all project phases, including the construction phase.

For the purposes of this policy, the local labor market for construction workers shall be defined as those individuals living in Bronx, Dutchess, Orange, Putnam, Rockland and Westchester Counties. Applicants receiving IDA benefits shall utilize at least 85% local labor for their approved projects, 35% of which must be Westchester County residents. However, the IDA recognizes that the use of local labor may not be possible for the following reasons:

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers; unless local labor cannot be trained or certified in a timely manner.
- 2) Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work; unless local labor cannot be trained or certified in a timely manner
- 3) Cost Differentials:
 - a. For projects whose project cost exceeds \$15 million, significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant’s contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade

organizations, such as the Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations;

b. For projects whose project cost is less than \$15 million significant cost differentials in bid prices whereby the use of local labor and materials significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant's contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations;

- 4) No labor is available for the project; and
- 5) The contractor requires the use of key or core persons such as supervisors, foremen, or construction workers having special skills that are not available in the "local labor" market.

The request to secure an exemption for use of non-local labor must be received in writing from the applicant detailing one or more of the reasons referenced above. The request will be reviewed by the Executive Director who shall refer the request to the IDA Board of Directors, which will approve or disapprove the request.

In addition, applicants receiving IDA benefits and contractors on the project shall make every reasonable effort to utilize vendors, material suppliers, subcontractors and professional services from Westchester County and the surrounding counties. Applicants and contractors shall be required to keep records of those local vendors, material suppliers, contractors and professional services whom they have solicited and with whom they have contracted with or awarded. This shall be stored in a binder on site and shall be easily available for review by an authorized representative of the IDA, such as monitor (as defined herein). It shall include any documents for solicitation and contracts. It is the goal of the IDA to promote the use of local veterans on projects receiving IDA benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on IDA projects, there are opportunities for veterans to gain both short-term and long-term careers in the construction industry.

A duly designated IDA monitor ("monitor") shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the monitor. All costs of the monitor shall be the obligation of the applicant.

If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

This policy shall take effect on the 60th day following its adoption.

CERTIFICATES OF AUTHORIZATION AND INSURANCE REQUIREMENTS POLICY

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In order to adequately protect the IDA from claims, all applicants are required to provide to the IDA's Executive Director or a duly appointed IDA monitor ("monitor") with the names, contact information, certificate of authorization to do business in the State of New York and copies of current Certificates of State of New York Workers' Compensation Insurance, State of New York Disability Insurance, and General Liability Insurance of all contractors working on the Project. All applicants have a continuing obligation to provide this information to the IDA during the course of Project construction.

The monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the monitor. All costs of the monitor shall be the obligation of the applicant.

If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

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MANDATED SAFETY TRAINING AND DRUG SCREENING POLICY

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Promoting safe and healthful working conditions on IDA Project sites is always in the best interest of the residents of Westchester County. To foster a culture of safety on all IDA Project sites, all applicants are required to provide the following to the IDA's Executive Director or a duly appointed IDA monitor ("monitor"):

- Proof of current OSHA 30 training certification (completed within the last five years and renewed every 5 years) for all construction workers performing work on the Project site.
- Proof of a four (4) hour scaffold course for all construction workers utilizing a scaffold on the IDA Project site.
- Proof that all construction workers working on the IDA Project site passed a drug screening test prior to their hiring.

The monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the monitor. All costs of the monitor shall be the obligation of the applicant.

If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

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CERTIFIED PAYROLL RECORDS AND MONITORING REQUIREMENTS POLICY

COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY

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The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Westchester County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

A certified payroll requirement improves record keeping and accountability about job descriptions, hours worked and wages earned on an IDA Project site.

Accordingly, the designated construction manager for the IDA Project, acting as agent for the applicant, on the IDA Project shall: (i) provide a duly designated IDA Project monitor (“monitor”) with a certified, monthly payroll of all construction workers working on the IDA Project site, which include names, days/hours worked, and rate of pay, and worker classification and (ii) annually certify that the IDA Project is in material compliance with state laws related to environmental quality, worker safety and protection, and wages and hours.

The monitor shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the monitor. All costs of the monitor shall be the obligation of the applicant.

If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

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APPRENTICESHIP PROGRAM POLICY

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The IDA believes in promoting a skilled workforce by way of encouraging apprenticeship programs. To that end, all IDA project sub-contractors (expressly excepting the prime or general contractor) must be enrolled in a New York State certified apprenticeship program (“Certified Contractor”). Further to that end, each subcontractor will have a graduation success rate between 60-75%.

However, the IDA recognizes that the use of a Certified Contractor may not be possible for the following reasons:

- 1) Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers; unless local labor cannot be trained or certified in a timely manner.
- 2) Specialized construction is required and no Certified Contractor in the Mid-Hudson Region has the required skills, certifications or training to perform the work;
- 3) Cost Differential:
 - a. For projects whose project cost exceeds \$15 million, significant cost differentials in bid prices whereby the use of a Certified Contractor significantly increases the sub contract or contract of a particular trade or work scope by at least 20%. Every reasonable effort should be made by the applicant and or the applicant’s contractor to get below the 20% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations;
 - b. For projects whose project cost is less than \$15 million significant cost differentials in bid prices whereby the use of the Certified Contractor significantly increases the sub contract or contract of a particular trade or work scope by 10% or more. Every reasonable effort should be made by the applicant and or the applicant’s contractor to get below the 10% cost differential including, but not limited to, communicating and meeting with local construction trade organizations, such as the

Westchester-Putnam Building and Construction Trades Council and other local Contractor Associations;

4) No Certified Contractor is available for the project;

5) Compliance with the policy hinders the applicant's ability to comply with the Agency's local labor policy; and

6) Any reason which the Board of Directors of the IDA determines, in its sole and absolute discretion, is in the best interest of the County of Westchester and its residents.

The request to secure an exemption for use of a Certified Contractor must be received in writing from the applicant detailing one or more of the reasons referenced above. The request will be reviewed by the Executive Director who shall refer the request to the IDA Board of Directors, which will approve or disapprove the request.

A duly designated IDA monitor ("monitor") shall issue a report to the Executive Director relative to compliance with this policy who shall share such information with the IDA Board of Directors. All applicants have a duty to cooperate with the monitor. All costs of the monitor shall be the obligation of the applicant.

To foster pre-apprenticeship programs, the IDA shall also dedicate \$50,000 to fund pre-apprenticeship programs operating in the County of Westchester which provide disadvantaged individuals training and exposure to various trades ("pre-apprenticeship programs"). Beginning on the effective date of this policy, the IDA shall also set aside 10% of each Agency fee received for such designated pre-apprenticeship programs ("pre-apprenticeship fund"). The IDA shall remit the pre-apprenticeship fund proceeds to its designated pre-apprenticeship programs in its discretion. The pre-apprenticeship programs receiving such funds shall be designated annually by the IDA Board of Directors.

If a violation of the policy has occurred, the Executive Director shall notify the applicant in writing and give such applicant a warning of such violation. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the IDA Board of Directors which may, in its discretion, take action to revoke or recapture IDA benefits.

This policy shall take effect on the 60th day following its adoption.