

# COLUMBIA ECONOMIC DEVELOPMENT CORPORATION EQUAL EMPLOYMENT OPPORTUNITIES

## PURPOSE AND AUTHORITY

The purpose of this Part is to establish procedures for the implementation of Section 858-b of Title One of Article 18-A of the General Municipal Law (the "Act").

## AGENCY EMPLOYMENT

It is the policy of the Columbia Economic Development Corporation (the "Corporation") to ensure that all employees and applicants for employment are afforded equal employment opportunity without discrimination. Accordingly, it is the policy of the Corporation to prohibit discrimination because of race, creed, sexual orientation, color, religion, sex, national origin, disability, age or marital status in all aspects of its personnel policies, programs, practices and operations in accordance with Title VII of the Civil Rights Act of 1964, the Human Rights Law of the State of New York.

## PROJECT EMPLOYMENT OPPORTUNITIES

It is the policy of the Corporation that every individual within its boundaries is afforded an equal opportunity to participate fully in the life of the County, free from violation of basic civil and human rights, and to prohibit discrimination because of race, sex, creed, color, religion, national origin, sexual orientation, age, disability or marital status.

- (A) **Listing Requirement** Except as otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall list new employment opportunities which are created as a result of projects of the Corporation with the New York State Department of Labor.
- (B) **First Consideration Requirement** Pursuant to the Act, except as otherwise provided by collective bargaining contracts or agreements, sponsors of projects must agree, where practicable, to first consider persons eligible to participate in the Federal Job Training Partnership programs who are referred by the Department of Human Resources or by the Community Services Division of the Department of Labor for such new employment opportunities.
- (C) **Guidelines for Access to Employment Opportunities** The listing and first consideration requirements of Section 858-b of the Act are substantially the same as the requirements contained in Section 6 of the Private Activity Bond Volume Allocation Act of 1994 (the "Allocation Act"), except that such new requirements apply to every project undertaken by the Corporation. Accordingly, attached hereto as Appendix 9A to this Part are the guidelines prepared by the New York State Department of Economic Development relating to the listing and first consideration requirements of the Allocation Act.

**APPENDIX 9A**  
**GUIDELINES RELATING TO THE LISTING AND**  
**FIRST CONSIDERATION REQUIREMENTS**  
**OF THE ALLOCATION ACT**

# **GUIDELINES FOR ACCESS TO EMPLOYMENT OPPORTUNITIES PURSUANT TO THE PRIVATE ACTIVITY BOND ALLOCATION ACT OF 1993**

Section 6 of the Private Activity Bond Allocation Act of 1992 (“Section 6”) imposes employment listing requirements on all issuers of qualified small issue bonds for industrial or manufacturing projects. In addition, issuers of qualified small issue bonds must require that persons eligible for service under the Federal Job Training Partnership Act be considered first for any new jobs created in connection with the issuance of qualified small issue bonds for industrial or commercial projects. All issuers of qualified small issue bonds must monitor compliance with the Section 6 requirements as prescribed by the Commissioner of Economic Development. The attached Guidelines for Access to Employment Opportunities set forth the procedures to be followed by issuers of qualified small issue bonds for purposes of compliance with Section 6.I.

## **1. Definitions:**

A. “Industrial or Manufacturing Project” means a manufacturing facility, as such term is defined in Section 144(a)(12)(C) of the Internal Revenue Code of 1986, as amended.

B. “Issuer” means any entity authorized to issue Qualified Small Issue Bonds.

C. “New Employment Opportunities” mean permanent positions created in connection with Industrial or Manufacturing Projects financed through the issuance of Qualified Small Issue Bonds.

D. “Qualified Small Issue Bonds” or “Bonds” mean those bonds described in Section 144(a) of the Internal Revenue Code of 1986, as amended.

E. “Project Beneficiary” means the nonexempt person in whose trade or business the proceeds of Qualified Small Issue Bonds are used.

## **II. Job Listing Procedures**

A. Prior to the expenditure of Qualified Small Issue Bond proceeds for Industrial or Manufacturing Projects, all Issuers shall require that the Project Beneficiary complete an employment plan (hereinafter referred to as “Employment Plan”) describing the following information, in the format set forth in Appendix A, attached hereto:

1. current and planned occupations in the company;
2. the current number of jobs per occupation;
3. a projection of the number of New Employment Opportunities during the first, second and third operational years of the Industrial or Manufacturing Project; and

4. information on estimated hiring dates for the number and types of positions to be filled and any special recruitment or training efforts that may be required.

B. All Issuers shall submit copies of each such Employment Plan to:

1. the local service delivery area office created pursuant to the Job Training Partnership Act;
2. the local New York State Jobs Service Division; and
3. the Regional Office of the New York State Department of Economic Development in the locality in which the Industrial or Manufacturing Project is located.

C. Furthermore, prior to the expenditure of Bond proceeds for Industrial or Manufacturing Projects, all Issuers shall arrange a meeting between the representative of the local service delivery area, the job service superintendent and the Project Beneficiary for the purpose of supplying information about projected New Employment Opportunities. Such Issuers shall notify the Regional Office of the New York State Department of Economic Development, in advance, as to the time and location of each such meeting.

### **III. Hiring Requirements**

In connection with Qualified Small Issue Bonds issued for an Industrial or Manufacturing Project, Issuers shall require Project Beneficiaries to agree, subject to the requirements of any existing collective bargaining agreement, to first consider for New Employment Opportunities, persons eligible for service under the Job Training Partnership Act.

### **IV. Record keeping and Reporting**

A. All Issuers shall maintain an Employment Plan for each Industrial or Manufacturing Project on file as part of the record of the Qualified Small Issue Bond financing. The Commissioner of Economic Development may at any time require the production of such records.

B. On or before January 15th of each year, all Issuers affected by the foregoing requirements shall report to the Department of Economic Development regarding the status of the Employment Plans, including the number of New Employment Opportunities created, the number listed, and the number filed, in the form attached hereto as Appendix B. All Issuers shall require Project Beneficiaries to provide such data on a timely basis for inclusion in the Issuer's January 15th report. All Issuers' reports shall be filed with: New York State Department of Economic Development, Regional Technical Services, One Commerce Plaza, Albany, New York 12245.

### **V. Miscellaneous**

A. All Issuers shall require each Project Beneficiary, in consideration of the issuance of Bonds for Industrial or Manufacturing Projects, to agree to perform the requirements of Section 6 of the Private Activity Bond Allocation Act of 1999 and these Guidelines. Recommend contractual language is attached hereto as Appendix C.

B. Nothing in these Guidelines shall be construed to require a Project Beneficiary to violate any existing collective bargaining agreement with respect to the hiring of new employees.

C. Failure to comply with the requirements of these Guidelines shall not affect the allocation of Statewide bond volume ceiling to any Issuer, or the validity or tax exempt status of Qualified Small Issue Bonds.

## **VI. Applicability**

The foregoing Guidelines for Access to Employment Opportunities shall apply to Qualified Small Issue Bonds issued for Industrial or Manufacturing Projects on and after June 1, 1993, provided, however, that the Guidelines shall also apply to such Bonds issued on and after January 1, 1993, to the extent possible.