

## **LABOR POLICY**

### **COUNTY OF MONROE INDUSTRIAL DEVELOPMENT AGENCY**

The County of Monroe Industrial Development Agency (IDA) was established for the purpose of creating employment opportunities for, and to promote the general prosperity and economic welfare of the residents of Monroe County. The IDA offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When the IDA approves a project, it enters into agreements to extend these incentives and benefits to the applicant.

Construction jobs are vital to the overall employment opportunities and economic growth in Monroe 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 ("construction workers"), during the construction phase of projects.

***Violation of the Local Labor Policy is subject to IDA Board review, which may result in the suspension, revocation, termination and/or recapture of any or all benefits conferred by the IDA.***

#### **100% Local Labor**

Applicants receiving IDA benefits ***must*** ensure that it and/or its contractor/developer hire ***100% of its construction workers from the local labor market.***

#### **Local Labor Market**

For the purpose of this policy, the local labor market is defined as construction workers residing in the following counties in New York State: Monroe, Genesee, Livingston, Orleans, Ontario, Seneca, Steuben, Wayne, Wyoming and Yates.

#### **Bid Processing**

Local participation in qualified projects receiving IDA economic incentives and benefits is vital to the economic growth of Monroe County. As such, all applicants/contractors/developers of a qualified project with a minimum \$5,000,000 investment must place any and all invitations to bid in the Builders Exchange of Rochester Plan Room (<https://robex.com/planroom/>) two weeks before the bids are due.

#### **Monitoring**

A third-party auditing firm ("Project Monitor") will be engaged to monitor construction work commencing on the date benefits are granted by resolution of the IDA Board. Once approved for IDA benefits, all applicants will be required to provide to the Project Monitor and the Exemption Processor (as hereinafter defined) the following information:

1. Contact information for the applicant's representative who will be responsible and accountable for providing information about the bidding and awarding of construction contracts relative to the applicant's project; and
2. Description of the nature of construction jobs created by the project, including in as much detail as possible, the number, type and duration of construction positions.

All Monroe County IDA projects are subject to local monitoring by the IDA and the Project Monitor. Proof of residency or copy of drivers' license shall be checked by the Project Monitor during the Project Monitor's periodic inspection of the project.

The Project Monitor shall issue a report to the IDA staff immediately when an applicant or applicant's contractor is not in compliance with this labor policy. IDA staff shall advise the IDA Board of non-compliance by email or at the next scheduled meeting. If a violation of policy has occurred, the Project Monitor shall notify the applicant and contractor of such non-compliance and give applicant a warning of violation and 72 hours in which to correct such violation. ***Upon evidence of continued non-compliance or additional violations, the IDA and/or the Project Monitor shall notify the applicant that the project is in violation of the Local Labor Policy and is subject to IDA Board action, which may result in the suspension, revocation, termination and/or recapture of any or all benefits conferred by the IDA.***

### **Signage**

The applicant/contractor/developer of an IDA approved project shall be required to maintain a sign, provided by the Project Monitor, on the project site at all times during construction. This sign shall be located in an area that is accessible to onsite workers and visitors, which should be clear and legible.

### **Exemption Process**

In some instances, use of 100% local labor may not be possible for any of the following reasons:

1. Warranty issues related to installation of certain products.
  - Required Documentation: A copy of the warranty confirming that the product must be installed by the manufacturer. Where the manufacturer requires installation by an approved third-party installer, the IDA requires information regarding skills, certifications and/or training possessed by the third-party installer.<sup>1</sup> The IDA and its third-party processor (the "Exemption Processor") reserve the right to request additional documentation.
2. Specialized construction and no local contractors or local construction workers have the required skills, certifications or training to perform the work.

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<sup>1</sup> The granting of an exemption for the use of non-local labor on warranty related grounds for the use of a third-party installer is expressly conditioned on the hiring of a pre-apprentice(s), an apprentice(s) or local construction laborer(s) to assist in the installation. The installation by the manufacturer does not have this requirement.

- Required Documentation: Information regarding the skills, certifications and/or training the construction workers must possess and proof of communication with local contractors. The IDA and the Exemption Processor reserve the right to request additional documentation.
3. Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. At least three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential and the local labor contractor agrees to reduce the bid to the average of the two bids, no waiver will be granted. However, if the average is still 25% or more, a waiver will be granted.
- Required Documentation: Copies of all bids/proposals received, including pricing, to confirm cost differential, including a demonstration of good faith efforts to procure at least three (3) bids. All bids must demonstrate an equal scope of work. The IDA and the Exemption Processor reserve the right to request additional documentation.
4. No local labor available for the project.
- Required Documentation: Proof of solicitation of local bids, an explanation how the bid was advertised/solicited and proof of communication with local contractors. Additionally, if applicable, written confirmation that local labor is not available (i.e., correspondence from union halls or local contractors). The IDA and the Exemption Processor reserve the right to request additional documentation.

**The IDA and the Exemption Processor require at least forty-five (45) calendar days to process a request for a exemption from local labor. The forty-five (45) calendar days shall commence upon submission of the request for exemption, together with complete and accurate required documentation.** The request will be reviewed by the Exemption Processor and forwarded to the IDA, at which time the IDA's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the Board of Directors at its monthly meeting.

Amended: 9/21/21, Effective 1/1/22

Approved & adopted March 29, 2022

Amended, approved and adopted on June 20, 2023

Approved & adopted March 26, 2024