



LABOR POLICY

The Monroe County Industrial Development Corporation (MCIDC) was established to provide resources to qualified businesses for the retention and creation of jobs and employment opportunities in Monroe County. MCIDC offers economic incentives and benefits to qualified applicants who wish to locate or expand their businesses or facilities in Monroe County. When MCIDC 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. MCIDC 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.

100% Local Labor

Applicants receiving MCIDC 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.

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 MCIDC Board.

Once approved for MCIDC 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 MCIDC projects are subject to local monitoring by MCIDC 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.

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The Project Monitor shall issue a report to MCIDC immediately when an applicant or applicant's contractor is not in compliance with this labor policy. MCIDC shall advise the MCIDC 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, MCIDC and/or the Project Monitor shall notify the applicant that the project is in violation of the MCIDC Labor Policy and is subject to MCIDC Board action which may result in the revocation, termination and/or recapture of any or all benefits conferred by MCIDC.

Signage

The applicant/contractor/developer of an MCIDC 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:

- Warranty issues related to installation of specialized equipment whereby the manufacturer requires installation by only approved installers (a copy of the equipment warranty confirming the use of specific installers must be provided);
- Specialized construction is required and no local contractors or local construction workers have the required skills, certifications or training to perform the work (proof of communication with local contractors, or details of the specialized construction must be provided);
- Significant cost differentials in bids whereby use of local labor significantly increases the cost of the project. Three (3) bids are required and a cost differential of 25% is deemed significant. Where there is a significant cost differential, that if 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 (copies of all bids/proposals received, including pricing, must be provided to confirm cost differential).
- No local labor available for the project (if local bids were solicited with no response, please provide a copy of the bid, explain how it was advertised, and list who the bids were requested from).

The request to secure an exemption for the use of non-local labor must be received from the applicant on the exemption form provided by MCIDC or the 3rd party exemption monitor (the "Exemption Processor") and received by the Exemption Processor forty-five (45) days in advance of work commencing. The request will be reviewed by the Exemption Processor and forwarded to MCIDC, at which time MCIDC's Executive Director shall have the authority to approve or disapprove the exemption. The Exemption Processor shall report each authorized exemption to the MCIDC Board of Directors at its monthly meeting.

MCIDC Labor Policy

The applicant has read the Labor Policy and agrees to adhere to it without changes and shall require its construction manager, general contractor and sub-contractors who are not exempt to acknowledge the same.

Applicant Signature

Signature of CM, GC or SC

Print name

Print Name

Company Name

Company Name

Email/Phone

Email Phone

Date

Date

Re-adopted March 9, 2021
Re-adopted March 23, 2022
Re-adopted March 15, 2023