

## **Putnam County Industrial Development Agency PUTNAM COUNTY FIRST WORKFORCE POLICY**

It is the policy of the Putnam County Industrial Development Agency to strongly encourage Project Applicants to support PUTNAM COUNTY FIRST and the Mid-Hudson Valley Region. This means that to the greatest extent possible, Project Applicants shall purchase goods and services from Putnam County and Mid-Hudson Valley based providers, businesses, and vendors and that to the greatest extent possible all employment opportunities shall be provided to Putnam County residents first. The above Policy includes the construction and/or renovation phase of a project with respect to contractors used during this period. Project Applicants agree to implement and adhere to the Putnam County First Policy. Failure to comply with the Policy may result in the possible reduction, loss, or recapture of IDA benefits awarded to the Project Applicant and/or result in the Project Applicant becoming ineligible for consideration for new project applications. The purpose of this policy is to promote local labor, training, and career opportunities as well as compliance with, and the protection of, Putnam County and New York State tax dollars.

The Project Applicants that cannot comply “to the greatest extent possible” with this Policy must demonstrate and document its efforts in attempting to meet the Policy’s goals. It should include an explanation of the actions undertaken to adhere to the Policy, obstacles encountered and any other relevant information. The Agency shall consider all relevant information in its determination of whether the Project Applicant has adequately addressed the objectives and goals of the Policy. This policy will be effective for applications submitted for consideration beginning with the April 16, 2024, IDA Board Meeting.

### **Local Workforce Utilization, Job Creation and Career Training Policy**

Construction jobs are vital to the overall employment opportunities in Putnam County, regardless of their duration. The Putnam County Industrial Development Agency (the “Agency”) asserts that Project Applicants (the “Company”), as a condition to receiving Financial Assistance (including a sales tax exemption, mortgage recording tax exemption, real property tax abatement, bond proceeds, and/or any other type of financial relief) from the Agency, are required to utilize a qualified Workforce, as defined below, for all projects involving the construction, expansion, equipping, demolition and/or remediation of new, existing, expanded or renovated facilities (collectively, the “Project Site”) and will be applied to all Projects with total costs of \$5,000,000 and above.

A “Recipient” of financial relief means any person and/or company, corporation, contractor, developer, or subcontractor (of any tier) that receives Financial Relief.

“Financial Relief” means the issuance of any tax relief, bond proceeds, grant, or other financial relief provided to a Recipient.

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Local Area Defined

For projects equal to or greater than \$5,000,000 the Local Workforce Area is defined as individuals residing in the following Counties (collectively, the Mid-Hudson Valley or “Local Area”): Dutchess County, Orange County, Putnam County, Rockland County, Ulster County, and Westchester County.

Local Workforce Requirement

The goal is to have at least 30% of all project employees reside in Putnam County if qualified residents are available. Then the balance as follows: 40% of all project employees of the general contractor, subcontractor, or subcontractor to a subcontractor (collectively the “Workers”) working on the Project Site must reside within the Local Workforce Area. Companies do not have to be local companies as defined herein but must employ local Workers residing within the Local Workforce Area to qualify under the 70% local Workforce criteria. The remaining 30% can be out of the workforce area to meet specialty and warranty needs for the project.

It is the goal of the Agency to promote the use of local veterans on projects receiving Agency benefits. By partnering with local contractors, local contractor groups, local trade unions and contractors awarded work on Agency projects, there are opportunities for veterans to gain both short-term and long-term careers in the construction industry.

It is the goal of the Putnam County IDA to create career opportunities with training within the County; therefore, on all jobs equal to or greater than \$5,000,000, it will be required that the contractors performing work on site have a New York State Department of Labor registered apprentice program that has a 5-year average graduation rate of 40% or better. Every such contractor shall be required to provide documentation evidencing its registered apprentice program as well as its graduation rate.

Local Workforce Disclosure

To clarify the implementation of this policy and have a uniform and responsible implementation of this policy, all bid documents and responses thereto shall include a copy of this Policy Statement along with an acknowledgment from the applicant contractor that it shall abide by the terms thereof. Prior to receiving its Agency incentive award, the awarded contractor shall be provided with a copy of this policy and execute an acknowledgement that affirms its receipt of the policy and future adherence thereto. It will become the responsibility to have every contractor performing onsite work to also maintain onsite a copy of the signed policy.

Local Workforce Reporting Requirement

The Local Workforce criteria will be verified based on Certified Payrolls, which will include employee’s name, address, I-9 Verification Form and OSHA 30 Card. This information will be kept on site and be available for review by the Agency or its monitor upon request without notice.

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In addition, the Agency, or its designated agents, shall have the right, during normal business hours, to examine and copy records of the Company and to perform spot checks of all Workers at the Project Site to verify compliance with the Local Workforce requirement throughout the construction period and upon normal operation of the business to ensure proper job creation for the local labor policy area.

Insurance Requirements for all Contractors and Subcontractors

To adequately protect the Agency from claims, all applicants are required to provide to the Agency's Executive Director or a duly appointed Agency 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 and their sub-tier contractors working on the Project. All applicants have a continuing obligation to provide this information to the IDA during Project construction.

Mandated Safety Training and Drug Screening Policy

The County of Putnam 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 Putnam County.

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

In the best interests of promoting safe and healthful working conditions on Agency Project Sites all applicants are required to provide the following to the Agency's Executive Director or a duly appointed Agency 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/fall protection for all construction workers utilizing a scaffold on the IDA Project Site; and
- proof that all construction workers working on the Agency Project Site passed a drug screening test prior to their hiring.

Compliance Monitor and Enforcement

If the Agency staff determines that: (1) the Local Workforce Requirement is not being met; or (2) Agency Staff, upon use of its reasonable discretion, discovers or becomes aware of a compliance issue related to the Local Workforce Requirement, then a written warning delivered by Email and Certified Mail of said Local Workforce Requirement violation (the "Warning of Violation") shall be provided to the Company. The Agency has the right to investigate any complaint and the contractor being investigated shall cooperate in full or be subject to having its award revoked. The Agency Board of Directors has the right to appoint a monitor to each Project should it feel

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violations of Agency Policy have occurred. The applicant will reimburse the Agency for all costs related to the compliance monitor should the Agency feel it is appropriate to hire a firm for compliance. The Agency reserves the exclusive right to self-monitor and inspect any job without notice.

The Agency will issue a report on the findings of their compliance check at the next Agency board meeting for public record.

The Agency will undertake the following steps:

1. Within five (5) calendar days of the issuance of the report or, Agency Project Site visit, will issue a written request to correct the condition. The violating applicant or contractor will have 10 calendar days to correct the violation and make the remedy known to the IDA in writing. The Agency reserves the right to take further steps to ensure the remedy has been implemented.
2. In the event there is a subsequent violation of the policy, the Executive Director shall bring such information to the Agency Board of Directors which may, in its discretion, take action to revoke Agency benefits.
3. The Agency shall have the right to appoint a monitor as necessary and all parties have a duty to cooperate with the monitor.
4. The monitor shall issue a report to the Executive Director relating to compliance with this policy and who shall share such information with the Agency Board of Directors. If a second violation of the policy has occurred, or the violation is not remedied, the Executive Director shall notify the applicant in writing and give such contractor a second notice of warning of such violation and five (5) calendar days to remedy it. In this event, the Executive Director shall bring such information to the Agency Board of Directors which may, in its discretion, take action to revoke or recapture Agency benefits awarded to the violating contractor.

If any person, entity Applicant, Contractor, or any subcontractor of any tier subject to the foregoing qualifications and conditions fails to comply with such stated qualifications and conditions with respect to work on the Property for which relief has been granted, the Parties agree that such an event materially frustrates the public purpose for which the Financial Relief (and any certification or other form of approval that may have been granted by Putnam County) was intended to advance. In such an event, the Recipient of the Financial Relief may be subject to the following penalty schedule, and/or any other remedial action the Agency deems appropriate:

- a. First Offense: The Recipient shall pay the Agency an amount equal to twenty-five percent (25%) of total Financial Relief granted.
- b. Second Offense: The Recipient shall pay the Agency an amount equal to fifty percent (50%) of the total Financial Relief granted.
- c. Third Offense: The Financial Relief granted by the Agency shall be terminated upon written notice to the Recipient, and the Recipient shall pay to the Agency an amount

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equal to the total value of any Financial Relief that was received prior to the termination of the Financial Relief.

When required, the Agency shall petition the appropriate state agency or body for revocation of the certification or approval and, upon such revocation, the Financial Relief provided to the Recipient shall be terminated and the Recipient shall pay the Agency an amount equal to the value of the Financial Relief that was received prior to the termination of the Financial Relief.

The law, which becomes effective on January 1, 2022, extends prevailing wages to Projects that previously both sides may have viewed as “private”, where total project costs exceed \$5,000,000 and where the project receives thirty percent (30%) or more of its total construction project costs from public funds.

Prior to the start of work, all parties including sub-contractors (any tier) performing work on Site or employees, utilizing any portion of Agency’s benefits, will sign the Letter of Understanding. It is the responsibility of the Applicant, Construction Manager, or General Contractor to have their sub-contractor, suppliers and or vendors sign a Letter of Understanding and furnish original copies to the Agency and maintain copies on Site for review when requested.

Waiver Request

It is understood that at certain times, Workers residing within the Local Area may not be available with respect to a Project. Under this condition, the Company is required to contact the Agency to request a waiver of the **Putnam County First Workforce Policy** “Local Workforce Utilization Waiver Request” based on the following circumstances:

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved retailers.
- Specialized construction for which qualified Local Workforce Area workers are not available.
- Documented lack of workers meeting the Local Workforce Requirement.

The Agency shall evaluate the **Local Workforce Utilization Waiver Request** and make its determination related thereto based upon the supporting documentation received with such waiver request.

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Acknowledgement of Understanding

The foregoing terms have been read, reviewed, and understood by Company and all appropriate personnel. The undersigned agrees and understands that the information contained herein must be transmitted and conveyed in a timely fashion to all applicable subcontractors, suppliers, and materialmen. Furthermore, the undersigned realizes and understands that failure to abide by the terms herein could result in the Agency revoking all or any portion of Financial Assistance, whether it has already been received or to be received by the Company, as it deems reasonable in its sole discretion for any violation hereof.

This Restated Policy is adopted on this 16<sup>th</sup> day of April 2024 and will take effect for any application initiated 45 days after May 5<sup>th</sup>, 2024.

\_\_\_\_\_  
Company

\_\_\_\_\_  
Name (Signature)

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Title

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**Local Workforce Utilization Waiver Request**

The request to secure a waiver for use of non-local workforce utilization must be received in writing from the applicant and must allow 60 days for processing and required due diligence.

Applicant Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Reason for Request

- Warranty issues related to installation of specialized equipment or materials whereby the manufacturer requires installation by only approved installers – **Explain**
- Specialized construction for which qualified Local Workforce Area workers are not available – **Explain**
- Significant cost differentials in bid prices whereby the use of local Workforce significantly increases the cost of the project. A cost differential of 10% is deemed significant. The contractor or applicant should make every effort to get below the 10% cost differential including, but not limited to, meeting with local construction trade organizations and local contractor associations – **Explain (provide copies of all bids)**
- No local Workforce available to meet the Local Workforce Area requirement – **Explain**

Send completed form and attachments to: Putnam County IDA, 2 NY-164, Patterson, NY 12563

Applicant Signature: \_\_\_\_\_

Number of Workers needing Waiver: \_\_\_\_\_

Amount of Contract needing Waiver: \_\_\_\_\_

**Send Completed Form and Attachments to: Putnam County IDA, 2 NY-164, Patterson, NY 12563**