

**TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY
EQUAL EMPLOYMENT OPPORTUNITIES**

SECTION 901. 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”).

SECTION 902. AGENCY EMPLOYMENT. It is the policy of the Town of Bethlehem Industrial Development Agency (the “Agency”) to ensure that all employees and applicants for employment are afforded equal employment opportunity without discrimination. Accordingly, it is the policy of the Agency to prohibit discrimination because of race, color, religion, sex, national origin, disability, age or marital status in all aspects of its personnel policies, programs, practices and operations in accordance with the Equal Employment Opportunity Act of 1972, the Human Rights Law of the State of New York, the Rehabilitation Act of 1973, and the Americans With Disabilities Act (ADA) of 1992.

SECTION 903. PROJECT EMPLOYMENT OPPORTUNITIES. It is the policy of the Agency that every individual within its boundaries is afforded an equal opportunity to participate fully in the life of the Town, 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. Accordingly, it is the policy of the Agency to encourage sponsors of projects to endeavor to comply with the provisions of the Equal Employment Opportunity Act of 1972, the Human Rights Law of the State of New York, the Rehabilitation Act of 1973, and the Americans With Disabilities Act (ADA) of 1992.

(A) Listing Requirement. Except as otherwise provided by collective bargaining contracts or agreements, sponsors of projects shall list new employment opportunities that are created as a result of projects of the Agency with the Community Services Division of the New York State Department of Labor and the Town of Bethlehem Equal Employment Opportunity administrative entity.

(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 Agency. 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. 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 Plant 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. Recommended 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.

**PROJECTED
EMPLOYMENT PLAN**

COMPANY NAME: _____

ADDRESS: _____

TYPE OF BUSINESS: _____

CONTACT PERSON: _____

TELEPHONE NUMBER: _____

Please complete the following chart describing your projected employment plan following receipt of financing.

Current and Planned Full Time Occupations in Company	Current Number Full Time Jobs Per Occupation	Estimated Number of Full Time Jobs After Completion of the <u>Project</u>
<u>1 year</u> <u>2 year</u> <u>3 year</u>		

Please indicate the estimated hiring dates for the new jobs shown above and any special recruitment or training that will be required.

Are the employees of your firm currently covered by a collective bargaining agreement?

Yes _____ No _____

If Yes, Name and Local _____

Prepared by: _____

Title: _____

Signature: _____

Date: _____

EMPLOYMENT PLAN STATUS REPORT

To Be Filed by _____, ____

COMPANY NAME: _____

ADDRESS: _____

TYPE OF BUSINESS: _____

CONTACT PERSON: _____

TELEPHONE NUMBER: _____

<u>Occupation</u>	<u>Number of New Jobs</u>	<u>Number Listed^{1/}</u>	<u>Number Filled</u>	
	Job Service Division	Applicants	Job Training Partnership Act eligible persons	

^{1/}

With local Job Service Division and local service delivery office created pursuant to the Job Training Partnership Act.

In consideration of the issuance of qualified small issue bonds _____,
(name of issuer)

_____, agrees to cause any new employment opportunities created
(project beneficiary)

in connection with industrial or manufacturing projects financed by the proceeds of such

obligations to be listed with the New York State Department of Labor Job Service Division and

with the _____,
(name or administrative entity of the service delivery area created pursuant to the
Job Training Partnership Act (P.L. 97-300) in which the project is located)

_____ also agrees to report to the _____
(project beneficiary) (name of issuer)

on or before January 1 of each year on the status of employment plans filed with the Department
of Economic Development, including the number of new employment opportunities created, the

number listed and the number filled. _____ further
(project beneficiary)

agrees, 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.