

** Effective/Applicable to any project established/induced on/or after September 1, 2015 **

**Erie County Industrial Development Agency
Pay Equity Policy**

More than 50 years after the passage of the Equal Pay Act of 1963, wage discrimination on the basis of gender continues to be a problem throughout the United States. It is the position of the ECIDA that no company receiving public funds or public benefits should be allowed to break the law and discriminate against any of its employees on the basis of gender. To that end, this policy seeks to reinforce existing equal pay law and reaffirm the responsibility of employers to pay their male and female employees equal pay for equal work.

1. Certification - Any company receiving a benefit from the ECIDA shall submit an Equal Pay Certification which certifies compliance with all applicable equal pay laws, including but not limited to the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964 and Federal Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as well as Section 194 of New York State Labor Law, each of which prohibit compensating men and women differently for the same work. (See attachment for sample certification.)
 - o The certification shall include a representation by the company that it has not been the subject of an adverse finding under the equal pay laws within the previous five years. If the company has been the subject of an adverse finding within the previous five years, the company shall be ineligible to receive ECIDA benefits.
 - o The certification shall also include disclosure of any pending equal pay claims against the company. A pending claim will not automatically make a company ineligible to receive ECIDA benefits.
 - o The certification shall also require the disclosure to the ECIDA of any pending claims or adverse finding under the equal pay laws during the term of the ECIDA financial assistance agreement.
2. Material Term - Compliance with equal pay laws will constitute a material term of ECIDA benefits. Violation of the policy may trigger recapture and/or termination of benefits. Normal agency recapture and due process procedures apply.
3. Violations – Filing of a false certification shall be a violation of the policy. Any violation of the equal pay laws that results in an adverse finding under the law which occurs during the material term enforcement period shall be a violation of the policy.
4. Monitoring – The Erie County Division of Equal Employment Opportunity (County EEO) is charged with monitoring and compliance auditing of County contractors under the County's equal pay policy. County EEO is responsible for compliance and auditing services to ECIDA under this policy.

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In doing so, County EEO will employ the following procedure:

- o Using a random selection process, County EEO in conjunction with ECIDA will identify firms to be evaluated for equal pay compliance. Each firm will receive a notification letter that includes a request for payroll information. (See attachment for sample notification letter.)
- o The identified firm will submit its payroll information to County EEO for evaluation. EEO will perform a desk audit, not a field audit. (See attachment for sample compliance worksheet.)
- o If County EEO staff should have reason to believe that the company is paying its male and female employees unequally or in any other way violating the ECIDA equal pay policy, it will refer the matter to the ECIDA Policy Committee for discussion.

The Policy Committee will use the normal due process and recapture processes to resolve the matter. If the matter remains unresolved, the Committee shall also have the option to refer the matter to the appropriate enforcement agency under the equal pay laws, including the United States Equal Employment Opportunity Commission, the New York State Department of Labor or the New York State Division of Human Rights.

Termination of benefits or recapture of benefits would occur if an adverse finding were to be rendered by the appropriate enforcement agency.