Policy Committee

THE ECONOMIC DEVELOPMENT CORPORATION FOR ERIE COUNTY

February 8, 2021
10:00 am
Special Working Group Meeting
WMBE Policy Discussion

1. Call Meeting to Order

2. Guest Presentations

   a. H. Todd Bullard, Partner, Harris Beach PLLC
      Leader Diversity Compliance Practice Group

   b. Brendan Kelleher, Partner, Harris Beach PLLC
      Labor and Employment Law

   c. Q&A

3. Review and Discussion of Draft Policy Document

   a. Review Policy Summary Document
      1. Construction Period Provisions
      2. Post Construction Period Provisions

4. Misc.
   a. BNP Diversity & Inclusion Checklist & Resources

5. Next Meeting/Adjournment

BNP Diversity & Inclusion

Checklist & Resources

Thank you for your interest in creating or strengthening your inclusive workplace culture.

Below you will find a checklist of things to consider as you begin or enhance your efforts.   This resource can be a guide to ascertain where your company is in the process and function as a guide to help you develop a strategy within your company.

Some Checklist Terms

In helping businesses advance diversity and inclusion strategies, it is important for everyone to be on the same page in terms of how D&I is defined. The following definitions may be helpful in your own company's initiatives:

- **Diversity** refers to the presence of different groups and/or different perspectives
- **Inclusion** is a feature of a setting when voice is valued from the diverse people present and they have organizational power
- **Equity** is the outcome where all people can achieve a valued goal or circumstance

CHECKLIST

Make an expressed commitment to diversity and inclusion and racial equity

__ Create vision and mission statements for your organization's plans

__Authorize an intentional focus on D&I in your organizational policies to include:

- o Board diversity (if applicable)
- o Staff diversity
- o Vendor diversity
- o Asset investment to support D&I and racial equity (if applicable)

Practices for approaching diversity and inclusion in your workplace

__ Have a point person or persons in charge of diversity and inclusion processes

__Create a committee to be in charge of diversity and inclusion processes

__Encourage everyone in the workplace to be committed to enhancing diversity and inclusion processes

__ If your organization does not have anyone in charge of a process yet, begin planning for the near future

Set goals for diversity and inclusion

__ Set concrete goals for meeting diversity and inclusion standards

__Describe goals and record in writing for use by managers, associates, etc.

__Measure performance towards goals on a regular basis

__Did you achieve all goals, some of the goals, or none at all?

Implement policies to address diversity and inclusion in the workplace

Including but not limited to:

__ Managers examine unconscious bias

__Managers view statistics for equal employment opportunity (EEO) purposes before making decisions

__Job descriptions are run through a bias detector

__Job descriptions are advertised through affinity or shared interest groups

__Hiring managers follow specific diversity and inclusion guidelines

__Enforce Corporate social responsibility (CSR) policies to assist diversity and inclusion efforts

Understand what may be obstacles to diversity and inclusion efforts

Examples include but are not limited to:

__ Budgetary resources

__Institutional attitudes

__Lack of support from leadership

__Hesitation for others to talk about difficult topics

__Other _____

Seek information about diversity and inclusion practices in the workplace

Utilize available resources including but not limited to:

__Web sites

__Journals

__Affinity groups

__Government agencies

__The Buffalo Niagara Partnership

__Other _____

Utilize accountability mechanisms to monitor diversity and inclusion

__Regularly collect, organize, and publicize data on board, staff, advisor, vendor diversity

__Analyze this data to identify gaps where inequities appear

__Analyze operational decisions for impact on diversity and inclusion

__Analyze organizational communications for impact on diversity and inclusion

__Routinely assess messaging in communications, internal and external

__Dedicate a senior staff position specifically to diversity and inclusion

__Consider investment advisor and vendor reviews as related to diversity and inclusion

__Incorporate commitment to diversity and inclusion into policies, procedures, performance expectations, and orientations for new employees and board members

CHALLENGE QUESTIONS ABOUT YOUR D&I INITIATIVES

How much do you agree or disagree with the following statements as they relate to your efforts?

- Leaders are knowledgeable about how inequities of opportunities are produced
- Leaders build, maintain and leverage an equitable and inclusive environment
- Professional development in diversity and inclusion is provided to managers
- Staff members receive ongoing training in diversity and inclusion
- Activities that foster inclusion are deliberately initiated by the organization
- Leaders ensure equity is promoted by using the organization's
  - Budget
  - Vendor Selection
  - Talent Management System
- Organization maintains a culture that promotes
  - Diversity
  - Inclusion
  - Equity

For those statements you disagree with, explore what your organization can do to bring closer to agreement.

RESOURCES

Whatever phase your organization's diversity and inclusion efforts may be in, the Buffalo Niagara Partnership is here to help you act. You can learn more about all the Partnership has to offer on our website **HERE** including innovative programs such as:

Diversity & Inclusion Executive Exchange

Diversity & Inclusion Academy

Diversity & Inclusion Symposium

Summary of ECIDA MWBE, Diversity and Inclusion Incentive Policy Concepts

Overall Goal:

Create a program that will encourage ECIDA tax incentive applicants to promote diversity and inclusion initiatives within their organizations and create MWBE utilization goals for ECIDA incentivized projects (ECIDA project).

Policy Objective:

Projects seeking ECIDA assistance would be incentivized to participate in the Agency's MWBE Diversity and Inclusion Policy. Applicants that participate in the program would receive extra incentives (PILOT) for meeting goals and objectives as outlined in the Policy.

The policy would have two component phases, one for the construction or project procurement period and the second for post construction operations over the term of the ECIDA incentive period.

ECIDA projects would qualify for a "MWBE Enhanced PILOT Schedule" if they achieve the MWBE goals during the construction period and/or meet certain post construction operational diversity and inclusion goals.

Construction Period:

Companies engaging in construction activities (Includes labor and materials as well as design and engineering services) for ECIDA projects would report on MWBE goals and show that they made a "good faith effort", which would include every reasonable attempt to comply with the provisions of the policy to achieve a level of MWBE utilization for the ECIDA project construction period. Percentage of MWBE utilization would be set by the ECIDA board based on the dollar value of the project construction budget.

Post Construction Operational Period:

ECIDA projects could qualify for additional incentives if they would meet or undertake certain post construction operational diversity and inclusion goals or activities.

A list of potential goals and activities would be developed as part of the policy formation that companies could choose from to participate in, including employment utilization goals, procurement goals for operational purchases, and organizational diversity and inclusion training and programming.

Upon application to the ECIDA, businesses would sign up to participate in the program which would allow them to receive potential additional benefits through the MWBE Diversity and Inclusion Enhanced PILOT Schedule. The company's efforts would be monitored through ECIDA's compliance program throughout the term of the incentive period.

Approval Process:

The ECIDA Policy Committee will review the draft MWBE Diversity and Inclusion Incentive Policy and make recommendations to the full ECIDA Board for consideration and approval. If the policy is approved, changes to the Uniform Tax Exemption Policy (UTEP) will be made to include the new MWBE enhanced PILOT. Alterations to the UTEP would involve notifying the taxing jurisdictions of intent to modify the Agency's UTEP.