

# HIRENYC - A GUIDE FOR NYC HUMAN SERVICES CONTRACTORS



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## **A. INTRODUCTION**

This document is a guide for businesses and not-for-profit organizations that contract with New York City human services agencies and are subject to the HireNYC Public Assistance hiring requirement. The contracting Agencies which include this requirement in their contracts are: Department of Social Services/Human Resources Administration (DSS/HRA), Department of Homeless Services (DSS/DHS), Administration for Children’s Services (ACS), Department for the Aging (DFTA), Department of Health and Mental Hygiene (DOHMH), Department of Youth and Community Development (DYCD), and Small Business Services (SBS).

Contracts subject to the requirement will include the Public Assistance Hiring Commitment Rider (the “Rider”).

The basic requirement is that for every \$250,000 in annualized contract value, a contractor shall hire at least one Public Assistance (PA) recipient. For example:

- A contract which has a \$1 million total award and contract duration of one year would have a hiring requirement of four (4) Public Assistance recipients during the course of that year.
- A contract which has a \$1 million total award and contract duration of two years would have a hiring requirement of two (2) Public Assistance recipients during each of those two years.

The hiring obligation will be based on the total combined annualized value of all contract(s) with the Rider.

HRA’s Business Link office both monitors and assists each contractor in meeting its HireNYC requirement. This is true for all contracts with any or all of the contracting Agencies listed above.

Business Link is a no-fee employment service provided by HRA to serve the staffing needs of private businesses and not-for-profit organizations. The services that Business Link delivers are tailored to meet each employer’s unique requirement and recruitment practices. Business Link has a long and successful history of matching qualified and vetted job seekers to the needs of employers across a broad spectrum of industries.

## **B. CONTRACTOR RESPONSIBILITIES**

Shortly after a contract with the Rider is registered with the Office of the New York City Comptroller, Business Link will inform the contractor of its hiring obligation for the fiscal year and will assign a Job Developer to the contractor.

Please note that an organization's hiring requirement may change as information about new contracts or changes to existing contracts is received. Fiscal Years for contracts with the City of New York start July 1<sup>st</sup> and end on June 30<sup>th</sup>.

Business Link will work with each contractor to understand its business model, recruitment process, and hiring needs. The contractor will share job postings with Business Link. The Job Developer will then begin to recruit job seekers in receipt of Public Assistance who have been vetted to meet the qualifications for job openings that the contractor has shared with Business Link.

Sharing information about job openings with Business Link can help an organization meet its hiring requirement. However, contractors are under no obligation to hire Business Link referrals.

Business Link is a division of HRA. Any and all referrals made by HRA are by definition, in receipt of Public Assistance and would qualify to be counted toward a hiring contractor's requirement.

The Public Assistance population possesses a diverse range of skills, experience and education. Business Link's priority is to connect you with the candidates who will be the best fit for your organization. If there are no qualified candidates, the Job Developer will let you know that we cannot fill the vacancy. Your Job Developer will also solicit feedback from you regarding our referrals in order to provide you with the best possible matches.

### **The Business Link System**

The Business Link system is a tool that allows contractors to post jobs, review their HIRENYC hiring requirement, see how many hires their organization has been credited with and access the following HireNYC forms:

- Implementation Plan
- Hire Sheet
- Request For Modification of Hiring Requirement Form

Access begins with account registration. Once a contractor designates a primary user, that user will be sent an email with instructions on how to create an account in the Business Link system. The primary user will also be able to add additional users.

### **The Implementation Plan**

A contractor must submit an Implementation Plan within sixty (60) calendar days of: either (i) the start date of the contract; or (ii) the date of program start (e.g., shelter opening), whichever date is later, and any subsequent anniversary date of the commencement date of the contract.

The Implementation Plan details how the contractor will meet its hiring obligation. If the contractor is determined by HRA to be in compliance with the Rider during the previous fiscal year, HRA will notify the contractor that it is not required to submit a new Implementation Plan.

The contractor shall begin instituting the Implementation Plan within thirty (30) calendar days of submission. The Implementation Plan can be printed from the Business Link system. Documents may be forwarded directly to your Job Developer and to the HireNYC mailbox: ([HireNYC-HumanServices@hra.nyc.gov](mailto:HireNYC-HumanServices@hra.nyc.gov)).

## **Recruitment**

After submitting an Implementation Plan, the contractor should on a regular basis notify Business Link of potential job openings and minimum job qualifications; and provide feedback on candidate resumes and interviews. Contractors may inform Business Link of its job openings through the Business Link system. Contractors must make every effort to interview the qualified candidates referred to them by Business Link. If a candidate is not qualified to be interviewed, the contractor should provide Business Link with that feedback.

## **C. QUALIFIED HIRES**

In order for a Public Assistance (PA) hire to qualify toward the requirement:

1. The hire must be in receipt of Public Assistance at the time of hire. Public Assistance Recipients (PA Recipients) are defined as those with an active HRA Cash Assistance case at the time of hire. The hire must also be a new hire; that is, someone who was hired during the current Fiscal Year.
2. The PA recipient must work at least 20 hours a week for at least one year. In the event a credited hire leaves in the course of the year, the contractor must hire another PA recipient for the remainder of the year. The replacement will not count as an additional qualifying hire.
3. The contractor shall pay the hired employee at least the legally mandated minimum wage.
4. These hires must have been employed for one (1) full year.

A qualifying Public Assistance hire does not have to be employed under the specific program from which the contract was awarded, but may work for any part of the contractor's organization. If the contractor's organization is a parent organization – and legally owns or controls other organizations – or is itself a subsidiary of another parent organization, the contractor may meet the requirement of the Rider through the hiring of PA recipients in either the parent organization or its subsidiaries or both. This stipulation applies whether the

organization is a for-profit business or a not-for-profit organization. It is the obligation of the contractor to make HRA aware of any legal relationships it has with a parent or subsidiary organization. If subcontractors are part of the Implementation Plan, the contractor should clarify the method(s) the subcontractor will use to recruit PA hires. They should also provide contact information for the individual responsible for recruitment for the subcontractor to Business Link.

Contractors may inform Business Link of their hires through the Hire Sheet. The Hire Sheet may be printed from the Business Link home page and may be submitted either to your Job Developer and the HireNYC mailbox ([HireNYC-HumanServices@hra.nyc.gov](mailto:HireNYC-HumanServices@hra.nyc.gov)). For each submitted Hire Sheet, Business Link will inform the contractor of the number of hires who meet the eligibility requirement or that none of the hires submitted met the requirement.

#### **D. HIRESHEETS**

Submission of Hire Sheets:

If not recruiting and hiring through Business Link, the contractor may submit hire sheets to document its compliance with the PA hiring requirement, and may also do so in addition to recruiting candidates through Business Link. However, if the contractor submits any Hires Sheets, the contractor must do the following:

- a. Obtain signed consents from any employee whose name appears on a hire sheet prior to submitting it to HRA; and
- b. Attest that it obtained signed consents; and
- c. Make the signed consents available to HRA upon request

Obtaining Consent:

Consent must be in written form and contain the following acknowledgments and/or permissions from the individual that he/she:

- a. Agrees to be screened for current or prior receipt of Public Assistance so that the contractor may be evaluated for compliance with the HireNYC: Human Services requirement; and
- b. Understands that this information is solely used by HRA to confirm the contractor's compliance with its hiring obligation; and
- c. Understands that this information will be kept confidential by the contractor; and
- d. Understands that this information in no way will affect the hiring decision, employment status or conditions of employment, if hired.

## **E. APPLYING FOR AN EXEMPTION OR REDUCTION IN THE REQUIREMENT**

Contractors may apply for an Exemption or Partial Exemption from its hiring requirement within thirty (30) calendar days after the end of the fiscal year. The Request For Modification of Hiring Requirement Form (the "Form") may be printed from the Business Link system home page.

The Form may be submitted to either your Job Developer and to the HireNYC mailbox (HireNYC-HumanServices@hra.nyc.gov). The contractor will be notified of either an approval of its request or of a denial.

Any exemption granted will be for the previous fiscal year only.

A contractor who believes that it qualifies for an exemption in a subsequent year must reapply.

To qualify for a Complete Exemption, one (1) of the following conditions must be demonstrated:

- a. The contractor's workforce within New York City is fewer than twenty (20) employees; or
- b. The contractor possesses no entry-level vacancies in its entire organization and can demonstrate that no positions are reasonably foreseen to be available within one (1) year of the commencement or anniversary date of the contract; or
- c. The contractor is a party to a valid collective bargaining agreement covering all of the contractor's entry-level positions and such agreement limits the contractor to a hiring pool that does not include PA Recipients; or
- d. Complying with the hiring requirement of the Rider in any manner will cause extreme hardship; or
- e. The contractor retains or retained a PA recipient(s) hired pursuant to the Rider beyond one (1) year, and this/these retained PA recipients equal(s) or exceed(s) the number of required hires for the current fiscal year.

To qualify for a Partial Exemption, one of the following conditions must be demonstrated:

- a. The specified number of PA recipients to be hired exceeds 10% of the contractor's workforce located within New York City; or
- b. A valid collective bargaining agreement covers some but not all entry-level positions and limits the contractor to a hiring pool which does not include PA recipients.

- c. The contractor retains or retained a PA Recipient hired pursuant to the Rider beyond one (1) year, and these retained PA recipients are fewer than the number of required hires for the current fiscal year.

Beginning with Year 2 of a contract, the contractor may qualify for either a full or partial exemption from its yearly hiring requirement to the extent that the contractor can demonstrate that it hired the required number of PA recipients during the previous fiscal year and that these hires remain employed by the contractor as of the one year anniversary date. If a contractor requests either a full or complete exemption on this basis, the contractor shall submit all appropriate documentation including but not limited to payroll records, paystubs or employer attestation.

#### **F. BEST EFFORTS:**

At the end of each fiscal year, Business Link will notify the contractor as to whether the hiring requirement was met. Where the contractor has failed to meet the requirement, the contractor may seek a modification to waive its unmet requirement if the contractor can demonstrate that it has made best efforts to meet the hiring requirement of the Rider. Evidence (via documentation submitted to Business Link) that the contractor utilized best efforts to meet the hiring requirement of the Rider includes the following:

- a. Submission of job postings to Business Link of open positions and their minimum qualifications within the contractor's organization; and
- b. Interview of candidates referred by Business Link; and
- c. Provision of feedback to Business Link regarding candidates interviewed and/or evaluated.

If the contractor failed to meet the hiring requirement and did not utilize Business Link, it can still demonstrate that it has made best efforts to meet its requirement. To do so, the contractor may send a list of individuals interviewed, who have signed a consent form as outlined in Section D above, via Hire Sheet to Business Link to verify that the individual was receiving PA at time of hire. In this event, the contractor must submit the following information as evidence of its best efforts to Business Link:

- a. The names, addresses, and telephone numbers for each PA recipient interviewed; and
- b. A job description and the specifications of the position(s) PA recipients were interviewed for; and
- c. An explanation detailing why any individuals identified by Contractor to be PA recipients were rejected for that position.

#### **G. CORRECTIVE ACTION**

If a contractor fails to hire the specified number of hires by the latter of either:

- a. The timeframe mutually agreed upon between HRA and the contractor, or



- b. Six (6) months from the commencement date of the contract; or
- c. Fails to pay and retain PA recipients in accordance with the requirement specified in the Rider

HRA in consultation with the contracting Agency(ies) will notify the contractor in writing, indicating what deficiencies are to be remedied. Within twenty (20) calendar days of its receipt of this notice, the contractor shall respond to the contracting Agency (ies) and HRA in writing, and must include a Corrective Action Plan (CAP) identifying with specificity the steps it intends to take to remedy any deficiencies identified. HRA will investigate the contractor's compliance with its CAP and shall inform contracting Agency(ies) as to the contractor's performance with its CAP. A CAP, should one be necessary, should be viewed as a self-assessment tool to assist organizations with meeting its hiring requirement.

#### **H. WE ARE HERE TO HELP**

HRA Business Link can help you fulfill your requirement. Not only can we refer quality candidates, those candidates are guaranteed to count toward your organization's requirement. Our services are free and you are never required to hire someone just because we referred them to you. Over the past 20 years, we have successfully matched thousands of job seekers to the staffing needs of hundreds of satisfied employers of every type.

Your organization may find it intrusive to ask a prospective hire if s/he is a PA recipient. Business Link can do this for you. As a unit of HRA, we have access to that information.

HRA's Business Link is located at 123 William Street, 6th Floor, New York, N.Y. 10038. Documents may also be emailed to Business Link at [HireNYC-HumanServices@hra.nyc.gov](mailto:HireNYC-HumanServices@hra.nyc.gov)

Contractor shall submit any additional relevant information within ten (10) calendar days of a request from HRA. Still have questions? See our FAQs.