

Public Assistance Hiring Commitment Rider

- A. **Introduction.** The Public Assistance Hiring Commitment is an initiative administered by the Human Resources Administration (“HRA”) through its Business Link program, and seeks to match employers with qualified job-seekers.
- B. **Requirements.**
1. For the duration of this Contract, and subject to any qualified exceptions listed in **Section G** below, Contractor shall hire at least one (1) Public Assistance Recipient (“PA Recipient”) for each two hundred fifty thousand dollars (\$250,000.00) in annual value of this Contract. If Contractor believes it should be exempted from the requirements of this Rider, Contractor may submit a request for an exemption based on the reasons outlined in **Section G of this rider. Any Human Services contract with less than \$250,000 of annual personnel costs, excluding fringe benefits and other than personal services (OTPS), is automatically exempt from the Public Assistance Hiring Commitment requirement.**
 2. Contractor shall hire Public Assistance Recipients for employment of at least twenty (20) hours per week for the duration of at least one (1) year.
 - a. Public Assistance Recipients (PA Recipients) are defined as those with an active HRA Cash Assistance case at the time of hire.
 - b. Contractor shall pay hired PA Recipients at least the legally mandated State or federal minimum wage, whichever is higher.
 - c. Contractor may meet the requirements of this Rider through the hiring of PA Recipients by its subcontractors. Subcontractors who have their own hiring requirement may meet their obligation through the primary contractor if the primary contractor has exceeded its required number of PA Recipient hires.
 - d. 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 requirements of this 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 nonprofit organization. It is the obligation of the Contractor to make HRA aware of any legal relationships it has with a parent or subsidiary organizations.
 - e. Positions of employment may be at any site or within any program operated by the Contractor.

- f. Contractor shall seek to retain hired PA Recipients beyond the one (1) year requirement of this Rider. In the event a PA Recipient hired by a Contractor is not retained for one (1) full year, the Contractor must hire and retain another PA Recipient for the remainder of the year in order to be credited for making one (1) required hire. When the Contractor replaces a hired PA Recipient before one (1) year has passed, this replacement will not count as an additional employee toward fulfilling Contractor's hiring requirement.
- C. **Developing and Submitting the Implementation Plan.** Within sixty (60) calendar days of: (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 this Contract, Contractor shall submit an implementation plan detailing how Contractor will meet the hiring requirements of this Rider, as specified in the HireNYC: Human Services manual provided on our website at <http://www1.nyc.gov/site/businesslink/employers/hirenyc.page>. Contractor may request the assistance of Business Link in developing its implementation plan. If Contractor is determined by HRA to be in compliance with this Rider during the previous Contract year, HRA will notify Contractor that it is not required to submit a new implementation plan.
- D. **Instituting the Implementation Plan.** Contractor shall begin instituting the implementation plan within thirty (30) calendar days of submitting the implementation plan. Contractor shall send job listings to HRA for the life of this Contract. Contractor may request the assistance of Business Link in identifying potential employees. In such case, HRA will refer PA Recipients who meet Contractor's minimum qualifications as determined by Contractor for employment interviews.
- E. **Deficiencies in Implementation Plan.** If Contractor fails to hire the specified number of PA Recipients by the later of either (i) the timeframe mutually agreed upon between HRA and Contractor or (ii) six (6) months from the commencement date; or fails to pay and retain PA Recipients in accordance with the requirements specified in Section B, HRA, in consultation with the [AGENCY], will notify Contractor in writing, indicating what deficiencies are to be remedied. Within twenty (20) calendar days of its receipt of this notice, Contractor shall respond to HRA, in writing, and must identify with specificity the steps Contractor intends to take to remedy any deficiencies identified. HRA will investigate Contractor's compliance with Contractor's corrective action plan. If the identified deficiencies are not addressed to the satisfaction of HRA, HRA shall assess the agreed upon liquidated damages based on the calculation for each day and for each PA Recipient not hired or compensated in accordance with the provisions of this Rider, as follows:
1. Daily liquidated damages per PA Recipient will be calculated as the quotient of:

[(current minimum wage as of the commencement date and any subsequent

anniversary date) * 20 hours per week * 52 weeks per year]
365 days

2. HRA retains the option to require Contractor to directly pay to HRA, or to deduct from any payment due or to become due to Contractor, such amount as may be assessed for liquidated damages.

F. **Applying for an Exemption from the Rider.** Within thirty (30) calendar days after the end of the fiscal year, Contractor may apply to HRA, for a complete or partial exemption from, or best efforts compliance with the requirements of this Rider. Any application for an exemption must be in the form specified by HRA, accompanied by supporting documentation. Any exemption granted will be for the previous fiscal year only and will be effective for one (1) prior fiscal year only (July 1st until June 30th).

G. **Qualifying for an Exemption from the Rider.**

1. Contractor may qualify for a complete exemption if one (1) of the conditions below is demonstrated:

- a. Contractor's workforce within New York City is fewer than twenty (20) employees; or
- b. Contractor possesses no entry-level vacancies and can demonstrate that no positions are reasonably foreseen to be available within one (1) year of the commencement or anniversary date of this Contract; or
- c. Contractor is a party to a valid collective bargaining agreement covering all of Contractor's entry-level positions and such agreement limits Contractor to a hiring pool that does not include PA Recipients; or
- d. Complying with the hiring requirements of this Rider in any manner will cause extreme hardship; or
- e. Contractor retains or retained a PA Recipient hired pursuant to this Rider beyond one (1) year, and thus may qualify for a full or partial exemption of its hiring requirements in subsequent years.

2. Contractor may qualify for a partial exemption if one of the conditions below is demonstrated:

- a. The specified number of PA Recipients to be hired exceeds 10% of 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 Contractor to a hiring pool which does not include PA Recipients.

- c. Contractor retains or retained a PA Recipient hired pursuant to this Rider beyond one (1) year, and thus may qualify for a partial exemption of its hiring requirements in subsequent years.
3. Beginning with Year 2 of the Contract, Contractor may qualify for either a full or partial exemption from its yearly hiring requirements to the extent that Contractor can demonstrate that it hired the required number of PA Recipients during the previous year and that these hires remain employed by Contractor as of the anniversary date. Contractor shall submit all appropriate documentation, as specified in the HireNYC: Human Services Manual, when seeking an exemption based on a retained PA Recipient, for the previous fiscal year. These hires must have been employed for one (1) full year.
4. At the end of each fiscal year, Business Link, in consultation with the [AGENCY], will notify Contractor as to whether the hiring requirements were met. Where the Contractor has failed to meet the requirements, Contractor may seek a modification to waive its unmet requirements if Contractor can demonstrate that it has made best efforts to meet the hiring requirements of this Rider. Evidence (via documentation submitted to Business Link) that Contractor utilized best efforts to meet the hiring requirements of this Rider includes the following:
 - a. Submitting job postings to Business Link of open positions within Contractor's organization and;
 - b. Interviewing candidates submitted by Business Link and;
 - c. Providing feedback to Business Link regarding candidates interviewed and/or evaluated.
5. If the Contractor did not utilize Business Link but interviewed job applicants, then it may send a list of individuals interviewed, who have signed a consent as outlined in Section I below, via Hire Sheet to Business Link to verify that the individual is currently receiving PA or was receiving PA at time of hire. In this instance, the following information must be included:
 - 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.

H. **Documentation of Hiring PA Recipients.**

1. Recruitment through Business Link: If Contractor recruits and hires PA Recipients through Business Link, Contractor does not need to provide any documentation of its compliance with the PA hiring requirement for those individuals. However, Contractor must confirm which candidates it hires to Business Link.
2. Submission of Hire Sheets: If not recruiting and hiring through Business Link, 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 Contractor submits any hires sheets, 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;
 - b. Attest that it obtained signed consents; and
 - c. Make the signed consents available to HRA upon request.

I. **Consents:** A consent must be written and contain the following acknowledgments and/or permissions from the individual that he/she:

- a. Agrees to be screened for current or prior participation in the HireNYC: Human Services program 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 Contractor's compliance with its hiring obligation; and
- c. Understands that this information will be kept confidential by Contractor; and
- d. Understands that this information in no way will affect the hiring decision, employment status or conditions of employment, if hired.

J. **Communication.** Contractor shall send all documentation required in the HireNYC: Human Services Manual or by this Rider to: HRA's Business Link 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. Contractor shall submit any additional relevant information within ten (10) calendar days of a request from HRA.