

**DEPARTMENT OF SMALL BUSINESS SERVICES
DIVISION OF LABOR SERVICES
INSTRUCTIONS FOR COMPLETING
CONSTRUCTION EMPLOYMENT REPORT**

I. WHO MUST FILE AN EMPLOYMENT REPORT

An Employment Report (ER) must be filed if you are:

Applicant, General contractor, Construction Manager, Developer

1. an applicant benefiting from the Industrial and Commercial Incentive Program (ICIP) with a construction contract value of \$1,000,000 or more; or
2. a general contractor or construction manager selected to perform work on a construction project funded or assisted by the City of New York with a proposed contract value of \$1,000,000 or more; or
3. a general contractor selected to perform work on a construction project funded (in whole or in part) by the federal government with a proposed contract value of \$10,000 or more; and
4. a general contractor or construction manager selected to perform work on a construction project benefiting from the Industrial and Commercial Incentive Program (ICIP) with a contract value of \$750,000 or more.

Subcontractor, Supplier or Service Provider

1. a subcontractor selected to perform work on a construction project funded or assisted by the City of New York with a proposed contract value of \$750,000 or more; or
2. a subcontractor selected to perform work on a construction project funded (in whole or in part) by the federal government with a proposed contract value of \$10,000 or more; or
3. a subcontractor selected to perform work on a construction project benefiting from the Industrial and Commercial Incentive Program (ICIP) with a contract value of \$750,000 or more.
4. a supplier or service provider performing work on a construction project funded or assisted by the City of New York with a proposed contract value of \$50,000 or more.

II. WHO MUST FILE A "LESS THAN \$750,000 SUBCONTRACTOR CERTIFICATE"

1. If your organization negotiates a subcontract (first and second tier) on this project and the subcontract value is less than \$750,000, you need to complete the "Less Than \$750,000 Subcontractor Certificate" for each subcontract below that amount.

III. WHERE TO FILE

1. If you are a contractor or subcontractor on a City funded construction project, the ER must be filed with the contracting agency which will award the contract to the prime contractor.
2. If you are a contractor or subcontractor who will be working for a private developer in receipt of funding or assistance from the City, the ER must be filed with the City agency with jurisdiction over the developer's project.
3. If you are a contractor or subcontractor who will be working for an applicant pursuant to the Industrial and Commercial Development Incentive Program, the ER must be filed with:

**Department of Business Services/
Division of Labor Services
110 William Street, 7 Floor
New York, NY 10038
Attention: Helen Wilson**

4. If you are a contractor or subcontractor on a federal government funded construction project, the Employment Report must be filed with the City contracting agency which will award the contract.

IV. WHO REVIEWS THE EMPLOYMENT REPORT

The contracting agency and/or DLS review the ER for completeness. If any portion is incomplete, you will be notified.

Upon receipt of a completed ER, it is reviewed by DLS to ensure that your firm or organization is in compliance with the City's equal employment opportunity requirements.

V. THE DIVISION OF LABOR SERVICES' REVIEW PROCESS

In accordance with E.O. 50, upon receipt by DLS of a completed ER, DLS conducts a review of the contractor's current employment policies, practices and procedures, as well as perform a statistical analysis of the contractor's workforce, if necessary. The process is as follows:

1. Within five (5) business days, DLS will review the ER for completeness and accuracy. If any information is omitted or incorrect, or if necessary documents are not submitted, the submission shall be deemed incomplete and DLS will inform the contractor. The substantive compliance review does not commence until the submission is complete. **An incomplete submission will delay the review process and may preclude or interrupt the contract approval.**

PAGE THREE

2. If the ER submission is complete, the compliance review will proceed, resulting in one of the following:
 - a) A **Conditional Certificate of Compliance**, valid for 1 month;
 - b) **Certificate of Approval**, valid for 12 months;
 - c) **Continued Approval Certificate**, good for the applicable contract if a Certificate of Approval has been issued; or
 - d) A **Compliance Review Analysis Report**. If the analysis yields a finding of underutilization of minorities and/or women resulting from policies or procedures that may have a discriminatory effect, or other employment policies or practices mitigating against equal employment opportunity, the contractor will be asked to attend a conference to present a legal and/or factual explanation, or to develop an Employment Program.

Any firm or organization making good faith efforts to take necessary corrective actions to change policies found to have a disparate effect on women and minorities may be issued a Conditional Certificate of Compliance.

VI. WHO MUST SIGN THE EMPLOYMENT REPORT

The signatory of this and all other documents submitted to DLS must be an official of the firm, authorized to enter into binding legal agreements.

NOTE: DLS WILL ONLY ACCEPT ORIGINAL SIGNATURES COPIES WILL BE REJECTED

VII. HOW TO COMPLETE THE EMPLOYMENT REPORT

A. General Information

1. Check the appropriate contractual relationship (contractor or subcontractor) you will have with the City as a result of this contract. If you are a subcontractor, you must state the name of the contractor for whom you are providing the construction services.
2. You must provide your Employer Identification or Federal Tax Number.
3. You must indicate the number of employees. (This number should include the number of current workers for all work performed in New York City.)

PAGE FOUR

4. You must check the entry corresponding with the description of your firm's ownership.
5. Identify your firm's industry code (see Appendix A)

NOTE: READ BEFORE COMPLETING B. PART I

1. Companies With Prior DLS Approval

You have a valid Certificate of Approval issued by DLS within the past 12 months for the company performing on this contract.

2. You Have Prior Approval From OFCCP

The facility(ies) involved in the performance of this contract has within the past 24 months undergone an audit and received approval by the U.S. Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP") and is in compliance with all other requirements of E.O. 50 and its implementing Rules.

B. PART I - CONTRACTOR/SUBCONTRACTOR INFORMATION

1. State the name of your company.
2. State the full address of the company's principal place of business and/or NYC Office.
3. Identify the Chief Operating Officer of the company. Please provide a telephone number.
4. Please provide the name and business telephone of designated Equal Opportunity Compliance Officer.
5. State the name of the prime contractor and contact person, if it is not your company.
6. State the following information, respectively:
 - (a) the NYC contracting agency with which your company (or the prime contractor) has the construction contract;
 - (b) identify the (sub)contract value;
 - (c) identify the Project Developer (applicable to Industrial Commercial Incentive Program (ICIP) contracts only);
 - (d) state the project/contract number which applies to the overall contract (applicable to federal and City-funded contracts only);
 - (e) state the lot and block number for the project (applicable to ICIP contracts only);
 - (f) state the projected commencement date for your company's participation on this project; and

PAGE FIVE

- (g) state the projected completion date for your company's participation on this project.
- 7. Provide a trade description of the work you will perform on this project and address where the work will be performed.

NOTE: SUBCONTRACTORS - THIS INFORMATION CAN BE OBTAINED FROM THE CONTRACT YOU HAVE WITH THE PRIME CONTRACTOR.

- 8a. This question refers to whether your company's particular facility locations that have been reviewed and/or certified by DLS within the past 12 months.
- 8b. If all of the facilities are involved in this proposed contract then you may complete and submit only Parts I and IV of the Employment Report for each operating facility. Be certain to identify the date on which you submitted DLS completed Employment Report, the name of the City contracting agency with which the contract was made, and the name and telephone number of the person to whom the Employment Report was submitted.
- 9. Was an approval issued in the last 24 months pursuant to an OFCCP Audit of the facility for which this Employment Report is being submitted? When answering this question, be careful to consider only those locations which the OFCCP actually audited. DLS will not consider OFCCP approvals and certifications for facility locations which were not audited.
 - (a) Identify the reviewing OFCCP office by its name and address;
 - (b) Was an unconditional certificate of compliance issued within the past 24 months by the OFCCP. If yes, attach a copy of the certificate in lieu of completing Employment Report Parts II and III; and if applicable, provide a copy of all stated OFCCP findings. Include copies of all corrective actions and documentation of OFCCP's performance.
- 10. Please provide a copy of any Collective Bargaining Agreement(s) which is negotiated through an employer trade association on behalf of your organization or any of its affiliates.

C. PART II - EMPLOYMENT POLICIES AND PRACTICES

REMEMBER TO LABEL ALL DOCUMENTS WITH THE QUESTION NUMBER FOR WHICH THEY ARE SUBMITTED

PAGE SIX

Questions

11a. - j. You must respond to the questions as to whether or not your firm has documents reflecting written policies, benefits and procedures. If so, then you must identify by name each document in which the policy(ies), procedure(s) and benefit(s) is located and submit copies of all of the document(s).

If your firm follows unwritten practices or procedures, then you must explain in writing how they operate.

Questions

12a. and b. There are two parts to this question. Part (a) concerns the manner/ methods by which you comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA).

Part (b) inquires into where and how I-9 forms are maintained and stored.

Questions

13a. and b. Part (a) requirement that an applicant or employee be subjected to a medical examination at any given time.

Part (b) submission of medical information questionnaires used by the company.

Questions

14a and b For part (a) indicate the existence and location of all statements of your firm's Equal Employment Opportunity policy and to attach a copy of each statement.

For part (b) submit your current Affirmative Action Plan(s).

Questions

15a and b If your firm or collective bargaining agreement has an internal grievance procedure, for (a), indicate this and submit a copy of the policy and procedure.

If unwritten, for (b), explain its nature and operation. Explain how your firm's procedure addresses EEO complaints.

Question

16. If your employees have used the procedure in the last three (3) years, please submit an explanation in the format indicated below:

NUMBER COMPLAINT(s)	NATURE OF THE COMPLAINT(s)	POSITION(s) OF COMPLAINANT(s)	INVESTIGATION CONDUCTED YES/NO	CURRENT STATUS DISPOSITION
---------------------	----------------------------	-------------------------------	--------------------------------	----------------------------

Question

17. Indicate whether in the past three (3) years complaints have been filed with a court of law or administrative agency, naming your company as a defendant (or respondent) in a complaint alleging violation of any anti-discrimination or affirmative action laws. If yes, develop and submit a log to show, for each administrative/and or judicial action filed, the following information:

NAMES(s) OF COMPLAINANT(s)	ADMINISTRATIVE AGENCY OR COURT IN WHICH ACTION WAS FILED	NATURE OF THE COMPLAINT(s)	CURRENT STATUS	IF NOT PENDING, THE COMPLAINT'S DISPOSITION
----------------------------	--	----------------------------	----------------	---

Question

18. Identify each job for which a physical qualification exists. Identify and explain the physical qualification(s) for each stated job. Submit job descriptions for each job and the reasons for the qualifications.

Question

19. Identify each job for which there exists any qualification related to age, race, color, national origin, sex, creed, disability, marital status, sexual orientation or citizenship status. Identify and explain the specific related qualification for each job stated. Submit job descriptions for each job and the reasons for the qualifications.

D. PART III: CONTRACT BID INFORMATION AND PROJECTED AND CURRENT WORKFORCE FORMS

FORMA. CONTRACT BID INFORMATION - USE OF SUBCONTRACTORS/TRADES

FORMB. CURRENT WORKFORCE FOR WORK TO BE PERFORMED ON THIS PROJECT.

FORM C. PROJECTED WORKFORCE FOR WORK TO BE PERFORMED ON THIS PROJECT.

PART III-A CONTRACT BID INFORMATION REGARDING USE OF SUBCONTRACTORS

Your projections for the utilization of subcontractors on the proposed contract are to be provided in this section. Information is to be provided to the extent known at the time the ER is filed for review by DLS.

A chart has been provided for the identification of subcontractors. If "subcontractor's name" is unknown, so state. Under "ownership", enter the appropriate race/ethnic and gender code. If the contract is federally funded or assisted and the subcontractor is being utilized in accordance with applicable federal requirements with respect to Minority Business Enterprise or Woman Business Enterprise requirements, enter the appropriate code. This will also apply to state funded contracts with similar requirements for minority and female owned businesses.

SIGNATURE PAGE

The signatory of this Employment Report and all other documents submitted to DLS must be an official authorized to enter into a binding legal agreement.

THE SIGNATURE PAGE MUST BE COMPLETED IN ITS ENTIRETY AND NOTARIZED. ONLY ORIGINAL SIGNATURES WILL BE ACCEPTED.