



Pay Equity Policy FactSheet

What is the ECIDA Pay Equity Policy?

The Erie County Industrial Development Agency adopted a Pay Equity Policy, applicable to all who apply for and receive incentive benefits after September 1, 2015. The policy requires that any tax incentive applicant must comply with all State and Federal laws governing equal pay for females and males for the same job position. If a tax incentive applicant or recipient is found not to be in compliance, the incentives may be denied, terminated or recaptured.

Why was this policy enacted by the ECIDA?

Even now, 53 years after the Equal Pay Act was passed in the United States, the wage gap remains a problem for working women. In the Buffalo Metro area, on average, a woman working full-time is paid \$40,346 per year, while males working full-time earn \$50,790 per year. Women represent 52% of the population in Erie County, and both Federal and State law requires they be paid the same wages as their male counterparts in the workforce.

Since the gender-wage gap continues to be an issue, the policy was enacted to ensure every company receiving tax payer support in the form of tax incentives and other inducements is compliant with all state and federal equal pay laws.

By enacting this policy, a developer or business receiving tax incentives from the ECIDA must certify that they adhere to gender-based Equal Pay laws, and as such, the ECIDA will act to ensure that, in accordance with their ECIDA certification, recipients of tax benefits maintain gender-based Equal Pay practices.

What are the specific requirements of the policy?

All applicants for tax incentives are required to submit an "Equal Pay Certification" form, 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.



How is the ECIDA Pay Equity Policy enforced?

It is important to note that the Pay Equity Policy does not involve an intrusive, onsite “field audit” that would interrupt business and everyday operations.

The ECIDA and the County of Erie have entered into an agreement that will allow the County’s Division of Equal Employment Opportunity (DEEO) office to conduct a review on randomly, computer-selected tax incentive recipients whereby recipients would be required to self-report items such as categories and titles of job positions, salaries, and the gender of employees. The recipient will have 30 days to respond to an initial information request, and the submitted information will be evaluated by qualified DEEO staff for signs of noncompliance. *At no time will County staff conduct onsite visits to a recipient business.*

Should the DEEO determine that a gender-based wage discrepancy exists, the matter will be turned over for consideration to the ECIDA Policy Committee and, possibly, the ECIDA Board of Directors where the company will have an opportunity to explain the apparent gender-wage discrepancy. If the discrepancy remains unaddressed by the tax incentive recipient and/or unresolved, tax incentives can be terminated and/or recaptured.

How are specific companies chosen for review?

Once a year, the ECIDA will utilize a computer program to randomly choose companies for review. Up to ten percent of incentive recipients could be subject to review each year, with a maximum of 12 reviews annually. Once a recipient has undergone a pay equity review, it will be seven years before a recipient is returned to the candidate pool for possible review selection.

What information will I be required to submit if I am randomly selected by the ECIDA for a review?

Those companies selected for review will be asked to self-report job titles, gender of employee, wages, and mitigating issues such as experience, variable hours or work schedule, and job descriptions. Items not required for submission include employee names, social security numbers and other personnel-identifying information.

If my company is reviewed, will I have an opportunity to respond to the results?

Yes, the recipient of the tax incentives will have 30 days to respond in writing to the review findings, and resolve/explain any gender-based wage discrepancies.

For a copy of the complete ECIDA Pay Equity Policy, please visit www.ecidany.com