

EACC Board Policy 2018-1

Job Compliance

(Effective September 19, 2018 / Amended January 30th, 2020 and February 2, 2022)

Material Non-Compliance with Job Creation Requirements

The EACC may make a determination of material non-compliance with any job creation requirements in accordance with the following:

1. **70% or more Job Creation:** If the Certified Project's job creation fulfillment is less than 100% but more than 70% of the requirements established by the EDIP contract, the project shall be considered materially non-compliant. The project may continue in the EDIP Program and be provided a one year period to cure. If after one year the project remains materially non-compliant by not meeting the job creation requirements, the EACC may take corrective action including proportionately reducing the awarded tax credits. The business will be offered a hearing to describe any mitigating factors.
2. **Between 41% and 69% Job Creation:** If the Certified Project's job creation fulfillment is between 41% and 69% of the requirements established by the EDIP contract, the project shall be considered materially non-compliant and the EACC may take corrective action including proportionately reducing the awarded tax credits. The business will be offered a hearing to describe any mitigating factors.
3. **Less than 40% Job Creation:** If the Certified Project's job creation fulfillment is less than 40% of the requirements established by the EDIP contract, the project shall be automatically referred to the EACC Board for decertification. The business will be offered a hearing to describe any mitigating factors.

Material Non-Compliance with Job Retention Requirements

If the Certified Project's job retention fulfillment is less than 95% of the requirements established by the EDIP contract, the project shall be considered materially non-compliant and may be referred to the EACC Board for decertification. The business will be offered a hearing to describe any mitigating factors.