



ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

TO: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer

FROM: Terrence D. McCracken, Secretary to the Authority

DATE: November 12, 2024

SUBJECT: Adoption of Policy No. 98 Notice to Employee

On September 4, 2024, the Governor signed a bill which amends New York State Public Officers Law § 87 to include an additional subdivision, § 87(6). Subdivision 6 requires that public agencies, including public authorities, “develop a policy regarding providing a notification to public employees in the event that the agency is responding to a request for such employee’s disciplinary records.” The law became effective on September 4, 2024, and does not refer to a compliance deadline. However, it is recommended to comply as soon as possible.

The Legal Department has drafted Policy No. 98 to comply with New York Public Officers Law § 87 and it has been included in the November 21, 2024 Governance and Board Meeting packets for your review and approval to adopt.

Thank you.

TDM:alh

ERIE COUNTY WATER AUTHORITY
AUTHORIZATION FORM
For Approval/Execution of Documents
(check which apply)

Contract: _____ **Project No.:** _____
Project Description: Adoption of New Policy No. 98- Notice to Employee

Item Description:

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Professional Service Contract | <input type="checkbox"/> Amendment | <input type="checkbox"/> Change Order |
| <input type="checkbox"/> BCD | <input type="checkbox"/> NYSDOT Agreement | <input type="checkbox"/> Contract Documents | <input type="checkbox"/> Addendum |
| <input type="checkbox"/> Recommendation for Award of Contract | <input type="checkbox"/> Recommendation to Reject Bids | | |
| <input type="checkbox"/> Request for Proposals | | | |
| <input checked="" type="checkbox"/> Other <u>Adopt New Policy No. 98-Notice to Employees</u> | | | |

Action Requested:

- | | |
|---|--|
| <input type="checkbox"/> Board Authorization to Execute | <input type="checkbox"/> Legal Approval |
| <input type="checkbox"/> Board Authorization to Award | <input type="checkbox"/> Execution by the Chairman |
| <input type="checkbox"/> Board Authorization to Advertise for Bids | <input type="checkbox"/> Execution by the Secretary to the Authority |
| <input type="checkbox"/> Board Authorization to Solicit Request for Proposals | |
| <input checked="" type="checkbox"/> Other <u>Adoption of New Policy No. 98- Notice to Employees</u> | |

Approvals Needed:

APPROVED AS TO CONTENT:

<input checked="" type="checkbox"/> Director of HR	<u>Jennifer Hebit</u>	Date: <u>11-8-2024</u>
<input checked="" type="checkbox"/> Chief Operating Officer	<u>[Signature]</u>	Date: <u>11/12/2024</u>
<input type="checkbox"/> Executive Engineer	_____	Date: _____
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer	<u>[Signature]</u>	Date: <u>11/12/2024</u>
<input checked="" type="checkbox"/> Legal	<u>[Signature]</u>	Date: <u>11/08/2024</u>

APPROVED FOR BOARD RESOLUTION:

<input checked="" type="checkbox"/> Secretary to the Authority	<u>[Signature]</u>	Date: <u>11/12/2024</u>
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Remarks: _____

Resolution Date: _____ **Item No:** _____

ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures

Re: NOTICE TO EMPLOYEE

Policy No. 98

Application: All Employees

Adopted: 11/21/2024

PURPOSE

New York Public Officers Law § 87 (6), requires the Authority to establish a policy regarding providing a notification to employees when the Authority is responding to a Freedom of Information Law request for an employee's disciplinary records.

POLICY

When the Authority is in receipt of a Freedom of Information Law request for any Authority employee's disciplinary records, the Secretary of the Authority shall notify the subject Authority employee within three (3) business days of the Authority's receipt of such request.