

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

Contract: _____ **Project No.:** _____
Project Amendment of Policy No. 92.0
Description: _____

Item Description:

Agreement Professional Service Contract Amendment Change Order
 BCD NYSDOT Agreement Contract Documents Addendum
 Recommendation for Award of Contract Recommendation to Reject Bids
 Request for Proposals
 Other Amendment of Policy No. 92.0

Action Requested:

Board Authorization to Execute Legal Approval
 Board Authorization to Award Execution by the Chairman
 Board Authorization to Advertise for Bids Execution by the Secretary to the Authority
 Board Authorization to Solicit Request for Proposals
 Other Amendment of Policy 92.0

Approvals Needed:

APPROVED AS TO CONTENT:

Department Head _____ Date: _____
 Risk Manager _____ Date: _____
 Director of Administration _____ Date: _____
 Executive Engineer _____ Date: _____

APPROVED AS TO FORM:

Legal Margaret A. Murphy Date: 8/14/19

APPROVED FOR BOARD RESOLUTION:

Secretary to the Authority [Signature] Date: 8/15/19

Remarks: Resolution drafted by General Counsel at the request of the Governance Committee

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

**ERIE COUNTY WATER AUTHORITY
HR Policies/Procedures**

Re:	EMPLOYMENT POLICY AND PROCEDURES	Policy No.:	92.0
Application:	Authority Wide	Adopted:	10/04/12
		Amended:	03/26/13
			02/21/19
			08/22/19

PURPOSE

The purpose of this POLICY is to set guidelines for a fair and open process for the hiring, promoting, and terminating AUTHORITY personnel. This POLICY includes procedures relating, but not limited, to the posting of employment opportunities, submission and review of employment applications and/or resumes, and notifications, communications and confirmations necessary for the appointment, PROMOTION, and termination of an individual to positions classified as exempt, competitive, or non-competitive, or to positions for which jurisdictional classification is pending.

POLICY

The AUTHORITY is an equal employment opportunity employer, committed to hiring and promoting qualified individuals based on merit and fitness, without regards to race, national origin, religion, gender, age, sexual orientation, military status, marital status, disability, or other legal status protected by law. Pursuant to Public Authorities Law § 1053(3), all appointments made by the AUTHORITY are subject to the civil service laws of the State of New York and such rules as may be adopted and made applicable to the AUTHORITY by the Erie County Personnel Department.

PROCEDURE

Section 1 Definitions.

(a) “APPOINTING RESOLUTION” means a resolution adopted by the BOARD to appoint a person to an exempt position.

(b) “APPOINTMENT NOTICE” means a notice sent by a Division Head to the BOARD, indicating a person whom the Division Head intends to appoint or promote to a position.

(c) “APPOINTMENT LETTER” means a letter sent by the SECRETARY to a person who has been offered an appointment or PROMOTION to a position at the AUTHORITY.

(d) “AT-WILL POSITION” includes all exempt positions, positions pending jurisdictional classification, and all non-competitive positions classified as “confidential and policy influencing titles” as listed in Appendix B of the Rules for the Classified Civil Service of the County of Erie, issued by the Erie County Commissioner of Personnel and as amended and approved by the State Civil Service Commission.

(e) “ATTORNEY” means the AUTHORITY’S ATTORNEY, who serves as the AUTHORITY’S general counsel and chief legal advisor.

(f) “AUTHORITY” means the Erie County Water Authority.

(g) “BOARD” means the AUTHORITY’S Board of Commissioners.

(h) “BOARD MEETING” means a regular or special meeting of the AUTHORITY’S BOARD.

(i) “CHIEF FINANCIAL OFFICER” means the position or individual designated by the BOARD to oversee the AUTHORITY’S fiscal, financial and accounting operations.

(j) “CLOSED POSITION” means a position that may only be filled by AUTHORITY personnel and for which an individual outside of the AUTHORITY is not eligible for appointment. Such a position requires both experience working within the AUTHORITY and training which is only provided by the AUTHORITY.

(k) “DIVISION” means the one of the four divisions overseen by the BOARD. These divisions include Office of the Secretary, Legal, Operations, and Finance & Administration.

(l) “DIVISION HEAD” means one of four executive management positions who report directly to the BOARD. These DIVISION HEADS include the Secretary of the Authority, ATTORNEY (aka General Counsel), EXECUTIVE DIRECTOR (aka the Chief Operating Officer), and CHIEF FINANCIAL OFFICER. DIVISION HEADS are appointed by, and serve at the pleasure of, the BOARD.

(m) “ELIGIBLE APPLICANTS” means an individual reachable on a competitive civil service list.

(n) “EMPLOYMENT INVENTORY” means all positions within the AUTHORITY, created and authorized by the BOARD and approved by the Erie County Personnel Department, which may be funded and to which individuals may be appointed.

(o) “EXECUTIVE DIRECTOR” means the AUTHORITY’S Chief Operating Officer who oversees the operation of the AUTHORITY’S physical plants, facilities, infrastructure, and water system.

(p) “HIRING PROCESS” includes the review of all resumes and/or employment applications, the ranking of applicants based on qualifications, the interview of

applicants, and the deliberation over which applicant(s) should be recommended for employment.

(q) An “INTERVIEW COMMITTEE” shall include the SECRETARY, the Director of Human Resources, and the DIVISION HEAD, or his/her designee. When the position involves a DIVISION HEAD, the INTERVIEW COMMITTEE will include all DIVISION HEADS and the Director of Human Resources. At its discretion, the INTERVIEW COMMITTEE may designate other AUTHORITY personnel to participate in the HIRING PROCESS.

(r) “PJC” means a position subject to classification, but not yet classified, and listed within the AUTHORITY’S EMPLOYMENT INVENTORY as “pending jurisdictional classification” or “PJC.”

(s) “POLICY” means Policy No. 92.0, entitled Employment Policy and Procedures.

(t) “PROMOTION” means, for purposes of this POLICY, the selection of an AUTHORITY employee for a CLOSED POSITION within the AUTHORITY or the selection of an AUTHORITY employee from a promotional civil service list for a position classified as competitive. For purposes of this POLICY, an AUTHORITY employee who has been offered another position with more responsibilities or a higher salary grade is not considered a PROMOTION unless the position is CLOSED or the selection is made from a promotional civil service list. An appointment to a new position is subject to other policies and procedures set forth in this POLICY.

(u) “RECRUITMENT PLAN” means the plan devised by the SECRETARY and the DIVISION HEAD, to solicit a group of individuals to be considered for appointment to a position. If the position is an exempt position, then the BOARD must approve the RECRUITMENT PLAN. A plan for an exempt position may target a single individual who is sought for employment without posting or advertising the position to the general public. If the plan is intended to solicit a group of potential applicants, then the plan will set forth the method for soliciting or targeting applicants. Such methods may include, but are limited to, advertising and posting the position in a variety of publications, engaging the services of a professional head hunter, or contacting professional or educational organizations having recruitment/placement resources.

(v) “SECRETARY” means the Secretary of the Authority.

(w) “SELECTED APPLICANT” means an applicant to whom a DIVISION HEAD may offer an employment opportunity.

(x) “TERMINATION DECISION” means a decision made by the DIVISION HEAD, after consulting with the SECRETARY and Director of Human Resources, or a decision made by two or more DIVISION HEADS, to take the necessary steps to terminate the employment of an individual working within a division.

(y) “TERMINATION RESOLUTION” means a resolution adopted by the BOARD to terminate a person who serves at the BOARD’S pleasure.

(z) “TERMINATION NOTICE” means a notice sent by one or more DIVISION HEAD(S) to the BOARD, indicating a person whom the DIVISION HEAD(S) intend[s] to terminate.

(aa) “TERMINATION LETTER” means a letter sent by the SECRETARY to any person whose employment has been terminated.

Section 2 Classified Civil Service Positions.

Pursuant to Public Authorities Law § 1053(3), the AUTHORITY may fix and determine the qualifications, duties and compensation for all employment positions. The Erie County Personnel Department and the New York State Civil Service Commission will determine whether such positions will be classified as exempt, competitive, or non-competitive.

Section 3 Positions Classified as Competitive.

Positions classified as competitive are subject to a civil service examination. No person may be offered a permanent competitive position without being an ELIGIBLE APPLICANT on an open or promotional civil service list.

Sub-section 3.1 Appointments from Open and Promotional Lists

(a) Appointments from a Civil Service List.

- (1) When a competitive position is vacant, and an open/promotional civil service list exists, the AUTHORITY will canvas all reachable candidates. Candidates on a promotional list will be canvassed before candidates on an open list. If a promotional list exists, that list must be exhausted before the AUTHORITY may canvas candidates on an open list.
- (2) The AUTHORITY will interview all reachable applicants who affirmatively respond to the canvas letter.
- (3) Interviews will be conducted by the INTERVIEW COMMITTEE.
- (4) After consulting with, and considering the recommendation of, the INTERVIEW COMMITTEE, the DIVISION HEAD will select the applicant(s) for employment with the AUTHORITY.
- (5) The SECRETARY will notify the SELECTED APPLICANT(S) of the pending appointment and will arrange for a background check and a physical examination. If a SELECTED APPLICANT passes both the background check and the physical examination, the SECRETARY will send an APPOINTMENT LETTER to the SELECTED APPLICANT.

- (6) Once the applicant has accepted the position and has received his/her APPOINTMENT LETTER, the Office of the SECRETARY will prepare and forward a PO-1M form to the Erie County Personnel Department for approval.
 - (7) When the Erie County Personnel Department has communicated its acceptance of the PO-1M, the SECRETARY will provide the BOARD with a copy of the PO-1M as part of the SECRETARY'S Report at the next BOARD MEETING.
 - (8) The Director of Human Resources or his/her designate will conduct an orientation session for all new employees.
 - (9) When the AUTHORITY has completed the selection of applicant(s) for any particular competitive position and no longer needs to canvas other applicants, the Office of the SECRETARY will return the certified open and/or promotional civil service list(s) to the Erie County Personnel Department, along with copies of the letters sent to ELIGIBLE APPLICANTS who were not selected from the list.
- (b) Provisional Appointments.
- (1) When a competitive position is vacant, but no civil service list is in existence, the SECRETARY and the DIVISION HEAD shall devise a RECRUITMENT PLAN to fill the vacant position on a provisional basis, pending a competitive examination. At minimum, the job specification for the vacant position shall be posted on the AUTHORITY'S website for at least a one-week period. The posting notice must indicate the position is for a provisional appointment and subject to a civil service examination prior to any permanent appointment.
 - (2) The INTERVIEW COMMITTEE shall review and rank the employment applications and/or resumes of any individual seeking a provisionary appointment.
 - (3) After the employment applications and/or resumes have been reviewed and ranked, the INTERVIEW COMMITTEE will decide which applicants should be granted an interview. Whenever possible, interviews should be given to the top-three, ranked applicants.
 - (4) After consulting with, and considering the recommendation of, the INTERVIEW COMMITTEE, the DIVISION HEAD will select the applicant(s) for employment with the AUTHORITY.
 - (5) The DIVISION HEAD shall notify the BOARD of his/her intent to offer the applicant a provisional appointment by sending an APPOINTMENT

NOTICE pursuant to the procedure set forth in paragraph (a) of Section 8 of this POLICY.

- (6) Unless the BOARD moves to hold the appointment in abeyance, the SECRETARY will notify the applicant(s) of the pending provisional appointment and will arrange for a background check and a physical examination. If an applicant passes both the background check and the physical examination, the SECRETARY will send a letter of provisional appointment to the applicant. The SECRETARY will advise the applicant that he/she will hold the position only on a provisional basis. Any permanent appointment is subject to a civil service examination with all selections being made from a certified civil service list.
 - (7) Once the applicant has accepted the position and has received his/her APPOINTMENT LETTER, the Office of the SECRETARY will prepare and forward a PO-1M form to the Erie County Personnel Department for approval.
 - (8) When the Erie County Personnel Department has communicated its acceptance of the PO-1M, the SECRETARY will provide the BOARD with a copy of the PO-1M as part of the SECRETARY'S Report at the next BOARD MEETING.
 - (9) The Director of Human Resources or his/her designate will conduct an orientation session for all new employees.
- (c) Civil Service Exams.
- (1) The Erie County Personnel Department will notify the AUTHORITY when an examination will be offered for the competitive position.
 - (2) The AUTHORITY will post on its website any examination notice given by the Erie County Personnel Department relating to civil service exams for any competitive positions within the AUTHORITY'S EMPLOYMENT INVENTORY. Such examination notice shall contain the examination fee, the deadline for individuals to sign-up for the exam, as well as the date, time and place of the examination.

Sub-section 3.2 Promotion Not Subject to Examination

If an AUTHORITY employee is eligible for appointment to a CLOSED POSITION such appointment may be made at the discretion of the DIVISION HEAD subject to budget restraints.

Sub-section 3.3 Termination

(a) A DIVISION HEAD will notify the SECRETARY of any proposed termination of an individual who is serving as a permanent, probationary, or temporary employee in a position classified as competitive and who works under the supervision of that DIVISION HEAD.

(b) The SECRETARY and the Director of Human Resources will consult with the DIVISION HEAD regarding the proposed termination and whether such employment may be terminated pursuant to the provisions of any collective bargaining agreement and/or the civil service laws of the State of New York and the County of Erie.

(c) If the SECRETARY or the Director of Human Resources determines the proposed termination is subject to provisions of a collective bargaining agreement and/or civil service laws, then the Director of Human Resources will consult with the AUTHORITY'S ATTORNEY, or his/her designee, and will take the necessary steps to counsel, discipline, or terminate the employee in accordance with the applicable provisions of the collective bargaining agreement, if any, or the applicable provisions of the civil service laws and regulations.

(d) Subject to the applicable provisions of a collective bargaining agreement, or the applicable provisions of the civil service laws and regulations, two or more DIVISION HEADS may file with the BOARD a TERMINATION NOTICE to seek the termination of an Authority employee who is not under the supervision of either DIVISION HEAD.

(e) Before one or more DIVISION HEAD (s) take the necessary steps to terminate an Authority employee, the BOARD must be given a TERMINATION NOTICE .

(f) Subject to the applicable provisions of a collective bargaining agreement, or the applicable provisions of the civil service laws and regulations, two or more DIVISION HEADS may file with the BOARD a TERMINATION NOTICE to seek the termination of an Authority employee who is not under the supervision of either DIVISION HEAD.

(g) Subject to the BOARD holding any TERMINATION DECISION in abeyance, the SECRETARY will either issue a TERMINATION LETTER to any AUTHORITY personnel whose employment has been terminated or direct the Director of Human Resources to file charges subject to the provisions of a collective bargaining agreement and/or the provisions of the civil service laws and regulations.

(h) In cases where termination is not appropriate, the Director of Human Resources will be responsible for the issuance of any other notices relating to job performance including, not limited to, a counsel notice, an oral or written warning, a suspension notice or other appropriate forms of progressive discipline.

Section 4 Positions Classified as Non-Competitive.

Sub-section 4.1 Appointments

(a) When a non-competitive position is vacant, the SECRETARY and the DIVISION HEAD shall devise a RECRUITMENT PLAN to fill the vacant non-competitive position. At minimum, the job specification for the vacant position shall be posted on the AUTHORITY'S website for at least a one-week period.

(b) The INTERVIEW COMMITTEE shall review the employment applications and/or resumes of any individual seeking appointment to a non-competitive position to determine first whether the applicant has the minimum qualifications for appointment and then to rank each applicant based on experience and qualifications.

(c) After the employment applications and/or resumes have been reviewed and ranked, the INTERVIEW COMMITTEE shall decide which applicants should be granted an interview. Whenever possible, interviews should be given to the top-three, ranked applicants.

(d) Interviews will be conducted by the INTERVIEW COMMITTEE.

(e) After consulting with, and considering the recommendation of, the INTERVIEW COMMITTEE, the DIVISION HEAD will select the applicant(s) for employment with the AUTHORITY.

(f) The DIVISION HEAD shall notify the BOARD of his/her intent to offer the applicant a proposed appointment pursuant to the procedure set forth in paragraph (b) of Section 8 of this Policy.

(g) Unless the BOARD moves to hold the appointment in abeyance, the SECRETARY will notify the applicant of the pending appointment and will arrange for a background check and a physical examination. If the applicant passes both the background check and the physical examination, the SECRETARY will send an APPOINTMENT LETTER to the applicant.

(h) Once the applicant has accepted the position and has received his/her APPOINTMENT LETTER, the Office of the SECRETARY will prepare and forward a PO-1M form to the Erie County Personnel Department for approval.

(i) When the Erie County Personnel Department has communicated its acceptance of the PO-1M, the SECRETARY will provide the BOARD with a copy of the PO-1M as part of the SECRETARY'S Report at the next BOARD MEETING.

(j) The Director of Human Resources or his/her designate will conduct an orientation session for all new employees.

Sub-section 4.2 Promotion

If an AUTHORITY employee is eligible for appointment to a CLOSED POSITION such appointment may be made at the discretion of the DIVISION HEAD subject to budget restraints.

Sub-section 4.3 Termination

(i) A DIVISION HEAD will notify the SECRETARY of any proposed termination of an individual who is serving as a permanent, probationary, or temporary employee in a position classified as non-competitive and who works under the supervision of that DIVISION HEAD.

(j) The SECRETARY and the Director of Human Resources will consult with the DIVISION HEAD regarding the proposed termination and whether such employment may be terminated pursuant to the provisions of any collective bargaining agreement and/or the civil service laws of the State of New York and the County of Erie.

(k) If the SECRETARY or the Director of Human Resources determines the proposed termination is subject to provisions of a collective bargaining agreement and/or civil service laws, then the Director of Human Resources will consult with the AUTHORITY'S ATTORNEY, or his/her designee, and will take the necessary steps to counsel, discipline, or terminate the employee in accordance with the applicable provisions of the collective bargaining agreement, if any, or the applicable provisions of the civil service laws and regulations.

(l) Subject to the applicable provisions of a collective bargaining agreement, or the applicable provisions of the civil service laws and regulations, two or more DIVISION HEADS may file with the BOARD a TERMINATION NOTICE to seek the termination of an Authority employee who is not under the supervision of either DIVISION HEAD.

(m) Before one or more DIVISION HEAD (s) take the necessary steps to terminate an Authority employee, the BOARD must be given a TERMINATION NOTICE .

(n) Subject to the applicable provisions of a collective bargaining agreement, or the applicable provisions of the civil service laws and regulations, two or more DIVISION HEADS may file with the BOARD a TERMINATION NOTICE to seek the termination of an Authority employee who is not under the supervision of either DIVISION HEAD.

(o) Subject to the BOARD holding any TERMINATION DECISION in abeyance, the SECRETARY will either issue a TERMINATION LETTER to any AUTHORITY personnel whose employment has been terminated or direct the Director of Human Resources to file charges subject to the provisions of a collective bargaining agreement and/or the provisions of the civil service laws and regulations.

(p) In cases where termination is not appropriate, the Director of Human Resources will be responsible for the issuance of any other notices relating to job

performance including, not limited to, a counsel notice, an oral or written warning, a suspension notice or other appropriate forms of progressive discipline.

Section 5 Probationary Period.

Newly hired and promoted employees are subject to a probationary period as set forth in Rule XIII of the Rules for the Classified Civil Service of the County of Erie, issued by the Erie County Commissioner of Personnel and as amended and approved by the State Civil Service Commission and in Policy No. 4.0 of the AUTHORITY'S Employees Policies and Procedure Manual.

Section 6 Positions Classified as Exempt.

(a) The BOARD shall adopt an APPOINTMENT RESOLUTION to appoint any individual to an exempt position. All individuals in an exempt position serve at the BOARD'S pleasure.

(b) The following are positions are classified as exempt: Secretary of the Authority, the ATTORNEY (aka General Counsel), the EXECUTIVE DIRECTOR (aka Chief Operating Officer), the CHIEF FINANCIAL OFFICER, Associate Attorney (full-time), Associate Attorney (part-time), Comptroller (full-time), and Executive Engineer.

Sub-section 6.1 Appointments

(a) When an exempt position is vacant, the SECRETARY and the DIVISION HEAD shall devise a RECRUITMENT PLAN, approved by the BOARD, to fill the vacant exempt position.

(b) When the RECRUITMENT PLAN seeks to solicit a single individual for appointment, the BOARD shall adopt an APPOINTING RESOLUTION whenever such person has agreed to accept the position.

(c) When applicable, the INTERVIEW COMMITTEE will review the employment applications and/or resumes of individuals seeking appointment to an exempt position and rank each applicant based on experience and qualifications.

(d) When the employment applications and/or resumes have been reviewed and ranked, the INTERVIEW COMMITTEE shall decide which applicants should be granted an interview. Whenever possible, interviews should be given to the top three, ranked applicants.

(e) The INTERVIEW COMMITTEE will recommend to the BOARD which applicant(s) should be considered by the BOARD for appointment.

(f) The INTERVIEW COMMITTEE shall notify the BOARD of its recommendation. Such recommendation should contain the name, address and resume of the applicant, along with facts sufficient to support the recommendation. The recommendation should also contain the number of individuals applying for the exempt position, the number

deemed by the INTERVIEW COMMITTEE as qualifying for the position and the number of individuals interviewed for the position. Upon request of any BOARD member, the SECRETARY may provide copies of resumes of those applicants interviewed. BOARD members will review such resumes on a confidential basis to protect the applicant's privacy.

(g) Once the BOARD has selected an applicant for appointment, the SECRETARY will arrange for a background check and a physical examination.

(h) After the applicant has passed the background check and physical examination, the BOARD shall adopt an APPOINTING RESOLUTION, setting forth the name of the appointee, date of appointment, and the salary grade and step.

(i) Once the applicant has accepted the position and has received his/her APPOINTMENT LETTER, the Office of the Secretary will prepare and forward a PO-1M form to the Erie County Personnel Department for approval.

(j) When the Erie County Personnel Department has communicated its acceptance of the PO-1M, the SECRETARY will provide the BOARD with a copy of the PO-1M as part of the SECRETARY'S Report at the next BOARD MEETING.

(k) The Director of Human Resources or his/her designate will conduct an orientation session for all new employees.

Sub-section 6.2 Termination

(a) Only the BOARD may terminate the employment of an individual whose position is classified as exempt.

(b) The BOARD is responsible for the supervision of DIVISION HEADS who serve at the BOARD's pleasure.

(c) A DIVISION HEAD, however, is responsible for the supervision of all other exempt employees. Like other AUTHORITY personnel, the DIVISION HEAD is responsible for evaluating and counseling exempt employees as to matters relating to job performance.

(d) One or more DIVISION HEAD(S) may recommend to the BOARD the termination of an exempt employee by sending a confidential, detailed report to the BOARD and request the matter be discussed at an executive session of a BOARD MEETING.

Section 7 Positions Pending Jurisdictional Classification.

Section 7.1 Appointments

(a) When a position listed as PJC becomes vacant, the AUTHORITY shall follow the procedures set forth in Section 4 of this Policy for the individuals seeking appointment for a non-competitive position, unless the AUTHORITY has explicitly made

a request to the Erie County Personnel Department to have the position classified as exempt.

(b) When the AUTHORITY has explicitly made a request to the Erie County Personnel Department to have a PJC position classified as exempt, the AUTHORITY shall follow the procedure set forth in Section 6 of this POLICY to fill any vacancy.

Section 7.2 Termination

(a) When the AUTHORITY has explicitly made a request to the Erie County Personnel Department to have a PJC position classified as exempt, the AUTHORITY shall follow the procedure set forth in Sub-section 6.2 of this POLICY to terminate an individual who holds a position classified as PJC.

(b) For other positions classified as PJC, the AUTHORITY shall follow the procedures set forth in Sub-section 4.3 of this POLICY to terminate individuals holding such positions.

Section 8 Appointment Notices and Recommendations to the BOARD.

(a) Provisional Appointment to Positions Classified as Competitive

(1) Pursuant to Section 3, paragraph (b), subparagraph (5) of this POLICY, the DIVISION HEAD shall notify the BOARD of his/her intent to offer the applicant a provisional appointment.

(2) The APPOINTMENT NOTICE to the BOARD should contain:

- i. the name, address and employment application and/or resume of the applicant,
- ii. the proposed date to send an APPOINTMENT LETTER,
- iii. a proposed date of appointment, if known, and
- iv. the starting salary, along with the salary grade and step for the position.

(3) The APPOINTMENT NOTICE should be scanned and emailed to the all BOARD members. A BOARD member has three business days after receiving the APPOINTMENT NOTICE via email to notify the SECRETARY that the appointment needs to be discussed in an executive session of a BOARD MEETING. When such request for an executive session has been timely given to the SECRETARY, the appointment will be held in abeyance until the matter is heard in an executive session of a BOARD MEETING.

- (4) When a BOARD member has requested an executive session, the SECRETARY will prepare a resolution to hold the appointment in abeyance until the BOARD has had the opportunity to discuss the appointment in an executive session pursuant to Public Officers Law § 105(1)(f).
- i. The resolution to hold an executive session must contain the name of the appointing DIVISION HEAD, the position sought to be filled on a provisional basis, and the date the APPOINTMENT NOTICE was emailed to the BOARD members;
 - ii. The resolution shall not contain the name or address of the individual whom the DIVISION HEAD seeks to appoint to the provisional position;
 - iii. The resolution must be seconded for the appointment to be discussed in an executive session;
 - iv. If no other BOARD member seconds the resolution, the DIVISION HEAD may proceed with the appointment;
 - v. If the resolution is seconded, the appointment must be discussed in an executive session.
 - vi. Upon exiting the executive session, a motion must be made and seconded to hold the appointment in abeyance pending further discussion and approval by the BOARD. If no such motion is made or if such motion is not seconded, the DIVISION HEAD may proceed with the appointment.

(b) Appointment to Positions Classified as Non-Competitive

- (1) Pursuant to Section 4, paragraph (f) of this POLICY, the DIVISION HEAD shall notify the BOARD of his/her intent to offer the applicant a position classified as non-competitive.
- (2) The APPOINTMENT NOTICE to the BOARD should contain:
 - i. the name, address and employment application and/or resume of the applicant,
 - ii. the proposed date to send an APPOINTMENT LETTER,
 - iii. a proposed date of appointment if known, and
 - iv. the starting salary, along with the salary grade and step for the position.

- (3) The APPOINTMENT NOTICE should be scanned and emailed to the BOARD members. A BOARD member has three business days after receiving the APPOINTMENT NOTICE via email to notify the SECRETARY that the appointment needs to be discussed in an executive session of a BOARD MEETING. When such request for an executive session has been timely given to the SECRETARY, the appointment will be held in abeyance until the matter is heard in an executive session of a BOARD MEETING.
- (4) When a BOARD member has requested an executive session, the SECRETARY will prepare a resolution to hold the appointment in abeyance until the BOARD has had the opportunity to discuss the appointment in an executive session pursuant to Public Officers Law § 105(1)(f).
- i. The resolution to hold an executive session must contain the name of the appointing DIVISION HEAD, the position sought to be filled on a non-competitive basis, and the date the DIVISION HEAD emailed the APPOINTMENT NOTICE to the BOARD members;
 - ii. The resolution shall not contain the name or address of the individual whom the DIVISION HEAD seeks to appoint to the non-competitive position;
 - iii. The resolution must be seconded for the appointment to be discussed in an executive session;
 - iv. If no other BOARD member seconds the resolution, the DIVISION HEAD may proceed with the appointment;
 - v. If the resolution is seconded, the appointment must be discussed in an executive session.
 - vi. Upon exiting the executive session, a motion must be made and seconded to hold the appointment in abeyance pending further discussion and approval by the BOARD. If no such motion is made or if such motion is not seconded, the DIVISION HEAD may proceed with the appointment.

Section 9 Termination Notices and Recommendations to the BOARD

(a) A DIVISION HEAD must notify the BOARD of his/her intent to terminate the employment of an individual serving in a provisional or temporary appointment to a competitive position, or holding a non-competitive position, or holding a position classified PJC or any other AT-WILL POSITION.

(b) The TERMINATION NOTICE to the BOARD should contain:

- (1) the name and a title of the person for whom termination is sought;
- (2) whether the employee's termination is subject to a collective bargaining agreement or the procedures set forth in § 75 of the Civil Service Law.

(c) The TERMINATION NOTICE should be scanned and emailed to the BOARD members. A BOARD member has three business days after receiving the TERMINATION NOTICE via email to notify the SECRETARY that the proposed termination needs to be discussed in an executive session of a BOARD MEETING. When such request for an executive session has been timely given to the SECRETARY, the termination will be held in abeyance until the matter is heard in an executive session of a BOARD MEETING.

(d) When a BOARD member has requested an executive session, the SECRETARY will prepare a resolution to hold the proposed termination in abeyance until the BOARD has had the opportunity to discuss the proposed termination in an executive session pursuant to Public Officers Law § 105(1)(f).

(e) The resolution to hold an executive session:

- (1) shall not contain the name or address of the individual whom the DIVISION HEAD seeks to terminate.
- (2) must be seconded; if no other BOARD member seconds the resolution, the DIVISION HEAD may proceed with the proposed termination;
- (3) If the resolution is seconded, the proposed termination must be discussed in an executive session.

(f) Upon exiting the executive session, a motion must be made and seconded to hold the matter in abeyance pending further discussion and approval by the BOARD. If no such motion is made or if such motion is not seconded, the DIVISION HEAD may proceed with the proposed termination.