



**ERIE COUNTY WATER AUTHORITY**  
**INTEROFFICE MEMORANDUM**

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

CC: Terrence D. McCracken, Secretary  
Joyce Tomaka, CFO  
Mark S. Carney, Attorney  
Leonard Kowalski, Executive Engineer  
Jessica Brown, Comptroller  
Jennifer Hibit, Human Resources Director

From: Jacqueline C. Mattina, Associate Attorney  
of counsel to  
Mark S. Carney, General Counsel

Date: September 6, 2023

Subject: Adoption of Revised Employee Policies and Procedures Manual

---

The Legal Department will be submitting to the Governance Committee revised policies and procedures (attached), which will replace the current policies and procedures contained in the Employee Policies and Procedures Manual adopted on October 20, 2022, as revised and amended. These new policies and procedures will be presented for review to the Governance Committee during its meeting held on September 20, 2023, with a tentative plan to have the revised Employee Policies and Procedures Manual approved by the Board of Commissioners on September 20, 2023, upon recommendation of the Governance Committee.

These revised policies and procedures have been prepared after there was an interest by several Senior Staff members and an individual Board Member in documenting the history of the policies, noting the amended or adopted dates, on the policies themselves. These policies will now reflect the history of each individual policy since the Employee Policies and Procedures Manual was previously adopted on December 27, 2005 (approximately 18 years ago). The 2005 date was chosen as a starting point because there was a complete overhaul of the Manual in 2005 whereby the policy numbers and names were changed, policies were amended, and policies were combined or omitted. Documentation of changes to policies prior to December 27, 2005, will be kept in a separate folder for each policy, which will be accessible if necessary.



## ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM

The bodies of the policies since Board approval of the revised Manual on October 20, 2022, have not been altered except for Policy 41 (Vacation Policy & Procedure) which was amended and approved by the Board on June 22, 2023. Finally, upon reviewing the policies it was found that Policy 96.0 was inadvertently omitted from the Employee Policies and Procedures Manual. Policy number 96.0 has been changed to Policy 96 to conform to the new numbering format of policies, along with an updated table of contents for your approval. The newly added histories of the policies can be found above the body of the policy with each policy including a footnote of what revision was made on October 20, 2022 when the Board revised the Manual.

There was also an interest in combining the additional Authority policies maintained on the Authority website but not identified as an HR Policy per se. Included in a separate document is a second table of contents and seven (7) policies which have been identified as these "Additional Authority Policies". I have reached out to various staff members to verify if these are the most recent versions of these policies. The Board may want to determine if the two (2) documents should be combined or maintained separately.

It is recommended by the Legal Department that the Governance Committee approve the revised Policies and Procedures Manual. Should the Governance Committee approve and recommend to the full Board the adoption of the revised Employee Policies and Procedures Manual, a resolution will be available for the September 20, 2023, meeting authorizing same.

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

**Contract:** \_\_\_\_\_ **Project No.:** \_\_\_\_\_  
**Project Description:** Adoption of the Newly Revised ECWA Employee Policies and Procedures

**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>Rescind Existing Employee Policies and Procedures Manual and Adopt Newly Revised</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>Rescind Existing Employee Policies and Procedures and Adopt Newly Revised</u>	

**Approvals Needed:**

**APPROVED AS TO CONTENT:**

<input checked="" type="checkbox"/> Director of HR	<u>Jennifer Hibit</u>	Date: <u>9/6/2023</u>
<input type="checkbox"/> Chief Operating Officer	_____	Date: _____
<input checked="" type="checkbox"/> Executive Engineer	<u>Lenaud F. Kouliko</u>	Date: <u>09/08/2023</u>
<input type="checkbox"/> Director of Administration	_____	Date: _____
<input type="checkbox"/> Risk Manager	_____	Date: _____
<input checked="" type="checkbox"/> Chief Financial Officer	<u>Opjee Duhme</u>	Date: <u>09/06/2023</u>
<input checked="" type="checkbox"/> Legal	<u>[Signature]</u>	Date: <u>9/6/2023</u>

**APPROVED FOR BOARD RESOLUTION:**

<input checked="" type="checkbox"/> Secretary to the Authority	<u>[Signature]</u>	Date: <u>9/8/2023</u>
--	--------------------	-----------------------

**Remarks:** \_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

# **TABLE OF CONTENTS**

<b><u>Policy Number</u></b>	<b><u>Policy Name</u></b>
1 .....	Human Resources Policies and Procedures Manual
4 .....	Probationary Period
5 .....	Labor Relations
6 .....	General Employment Information
8.....	Travel & Training Policy & Procedures
10 .....	Absentee Control Program Policy & Procedures
11 .....	Code of Ethics & Conflicts of Interest
12 .....	Termination & Severance Policy & Procedures
13 .....	Physical Standards & Requirements Policy
14 .....	Line Maintenance Operator's Training Program Policy
16 .....	Whistleblower Protection Policy & Procedures
17 .....	Duties and Responsibilities of the Board of Commissioners
27 .....	Employee Performance Reviews & Salary Increment Policy
28 .....	Inclement Weather
29 .....	ECWA Timekeeping Rules
40 .....	Holidays
41 .....	Vacation Policy & Procedures
43 .....	Insurance Benefits
44 .....	Healthcare Waivers Policy & Procedures

**Policy Number**

**Policy Name**

45 ..... COBRA Benefits Policy & Procedures

46 ..... Medical Coverage for Retirees

47 ..... Sick Leave & Non Work-Related Disability Benefits

48 ..... Sick Leave Buy Back Program

49 ..... Employee Assistance Policy & Program

50 ..... Tuition Assistance Program

51 ..... Use of Authority Discretionary Funds

61 ..... Leaves of Absence

75 ..... Non-Discrimination & Anti-Harassment Policy

79 ..... Drug & Alcohol Policy & Testing Procedures

80 ..... Smoking

81 ..... Solicitation/Distribution

83 ..... Incident Management & Root Cause Analysis

84 ..... Safety in the Workplace

85 ..... Standards, Expectations, & Communications in the Workplace

87 ..... Security in the Workplace

89 ..... Computer, Internet, Intranet, Email & Other Communication Devices

90 ..... Workplace Violence Prevention

91 ..... Americans with Disabilities Act Policy

**Policy Number**

**Policy Name**

92 .....Employment Policy & Procedures

93 .....Media Relations Procedures & Guidelines

94 .....Defense & Indemnification Policy & Procedure

95 .....Use of Vehicles for Work Policy & Procedures

96 .....Communicable Disease Preparedness Plan

97 .....Parking Reimbursement

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

**Re: HUMAN RESOURCES  
POLICIES AND PROCEDURES**

**Policy No. 1**

**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide a systematic method for the development, authorization, distribution and implementation of Human Resources Policies and Procedures.

## **POLICY**

The Authority Human Resources Policies and Procedures is a compilation of policies, and procedures that have been developed to help maintain a cooperative working environment, conducive to positive employee relations, personal job satisfaction and enhanced productivity. Designed as a communications tool for managers and supervisors, it offers a standardized approach to the administration of human resources policies and procedures and is intended to reduce difficulties that might arise from unwritten or inconsistent policies. None of the policies or guidelines contained herein are intended to give rise to contractual rights or obligations, or to be construed as a guarantee of employment for any specific period of time, or any specific type of work.

## **PROCEDURE**

### **Section 1 Definitions.**

- (a) “Authority” means the Erie County Water Authority.”
- (b) “Board” means the Authority’s Board of Commissioner
- (c) “CBA” means Collective Bargaining Agreement.

---

<sup>1</sup> This Human Resources, Policies, & Procedures, replaces H.R. Policy No. 1.0 (Human Resources Policy and Procedures) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

- (d) “Division Heads” manage the day-to-day operations of the Authority and includes the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, and the General Counsel.
- (e) “Executive Staff” includes all Division Heads as defined in this section and the Executive Engineer.
- (f) “Members” means the Authority’s Commissioners.

## **Section 2 Origination of Policy.**

**2.1** Many of these policies and rules originate in laws enacted by the State of New York within the provisions of the Public Authorities Law or other applicable federal and state laws relating to public employment.

**2.2** The Authority’s Board of Commissioners establish the personnel policies of the Authority.

## **Section 3 Revisions to Policies and Procedures.**

**3.1** The policies and procedures of the Authority are subject to change as the needs of the Authority and its workforce evolve.

**3.2** Any proposed changes to Authority policies and procedures will first be reviewed by Executive Staff, and upon the recommendation of Executive Staff, forwarded to the Boards Governance Committee for approval, denial, or recommended revision, and ultimately final approval by the Board.

## **Section 4 Distribution.**

**4.1** The Director of Human Resources or his/her designee will provide all employees with a copy of the Human Resources Policies and Procedures upon the commencement of employment.

**4.2** The Office of the Secretary will be responsible for providing updates to employees, as necessary.

**4.3** The Employee will be responsible for reviewing and familiarizing themselves with all Human Resources Policies and Procedures, and any updates.



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

**Re: PROBATIONARY PERIOD**

**Policy No. 4**

-----  
**Application: All Employees**

**Amended: 08/20/2015  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide an adequate period of time during which both the Authority and a newly hired, transferred, or promoted employee may determine the employee's suitability for the job.<sup>2</sup>

## **POLICY**

Except for employees in exempt positions, new permanent appointees and promotees serve a probationary period of not less than eight (8) nor more than twenty-six (26) weeks. A probationary period may be extended in certain circumstances.

## **PROCEDURE**

**Section 1 Rules.** The Authority shall follow the probationary term procedures established by the Erie County Personnel Department in the Rules for the Classified Civil Service, Rule XIII.

### **1.1 Newly Hired Employees.**

- (a) Each new hire is to be evaluated after forty (40), eighty (80) and one hundred twenty (120) days of the twenty-six (26) week new hire probationary period.

---

<sup>1</sup> This Probationary Period Policy replaces H.R. Policy No. 4.0 (Probationary Term) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

- (b) An employee not receiving a satisfactory evaluation may be terminated at any time after a minimum of eight (8) weeks and during the remaining eighteen (18) weeks of the probationary period.
- (c) If, after the probationary period the employee's performance is deemed satisfactory, he or she will be given permanent status.
- (d) Evaluations are to be conducted by the employee's supervisor and recorded on a ***Probationary Employee Performance Report Form*** kept in the employee's personnel folder.

## **1.2 Promoted Employees.**

- (a) Each employee, when promoted, is to be evaluated after his or her eight (8) week probationary period.
- (b) At the discretion of the Authority a promotional probationary period may be extended for up to a twenty-six (26) week period.
- (c) If after the probationary period, an employee does not receive a satisfactory evaluation he or she will be returned to his or her previous permanent position.
- (d) If, after the probationary period, the promoted employee's performance is deemed satisfactory, he or she will be given permanent status in the new job title.
- (e) Evaluations for promoted employees are to be conducted by the employee's supervisor and recorded on a ***Promotional Probationary Employee Performance Report Form*** kept in the employee's personnel folder.

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

**Re: LABOR RELATIONS**

**Policy No. 5**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To recognize the rights of certain Authority employees to join employee organizations and be represented by such organizations in their employment relationships with the Authority, and to establish an equitable and orderly process in the event of a layoff and recall of any of its employees.

## **POLICY**

It is the intent of the Authority to recognize the rights of certain employees to be represented by unions in collective bargaining for terms and conditions of their employment. In addition, it is the intent of the Authority to stabilize employment so that all employees may be provided with regular and continuous work.

### **Section 1 Union Membership.**

#### **1.1 Am I a Member of a Union ?**

- (a) When you are appointed to a position in the Authority, you are advised as to whether you are represented by a union.
- (b) If you are represented by a union, membership in the union is optional.
- (c) If you choose not to join the union, you will not be required to pay union dues or an “agency shop fee.”
- (d) Questions concerning union dues and agency shop fees should be directed to your union representative.

---

<sup>1</sup> This Labor Relations Policy replaces H.R. Policy No. 5.0 (Layoff and Recalls) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

## **1.2 Collective Bargaining Agreement (CBA).**

A copy of the collective bargaining agreement between the Authority and the union that represents you may be obtained from the Human Resources Department. Collective bargaining agreements are also posted on the Authority's intranet.

## **Section 2 Union Grievance Procedure.**

### **2.1 Grievances.**

- (a) Grievances are claims made by an employee or union that a certain management action or inaction was inappropriate or improper.
- (b) Each union has a collective bargaining agreement with the Authority that specifically defines what constitutes a grievance and establishes a formal procedure for resolving grievances.

### **2.2 Filing a Grievance.**

- (a) If you are represented by a collective bargaining unit and unable to resolve a problem with your supervisor, you have the right to file a formal grievance as outlined in the applicable agreement.
- (b) Note that there are specific time limitations for the filing of a grievance. You must adhere to these limitations and should gauge the time available when waiting for an informal response from your supervisor.
- (c) If your grievance is related to your job duties and responsibilities, you must perform the at-issue duties until the grievance is resolved, unless performing the at-issue duties would be detrimental to your health or safety or that of others.

## **Section 3 Layoff and Recall.**

The Authority intends to establish a stable work environment ensuring employees with continuing and regular employment. If a reduction in the workforce becomes necessary, employees will be selected for layoff in accordance with the collective bargaining agreement provisions, if applicable, and/or the Rules for the Classified Civil Service.

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

**Re: GENERAL EMPLOYMENT  
INFORMATION**

**Policy No. 6**

**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide information to assist Authority employees in becoming familiar with some of the privileges and obligations of their employment.

## **POLICY**

It is the policy of the Authority to maintain good employee relations by ensuring its employees remain informed. This policy includes general information relative to compensation, retirement plan options, paycheck distribution, and maintenance of certain records related employment decisions and satisfying valid personnel and employee relations requirements.

## **PROCEDURE**

### **Section 1 Compensation.**

**1.1 Interview for Position.** You will be advised of the title, salary grade, step, rate of compensation, jurisdictional classification (i.e., exempt, competitive, noncompetitive, or PJC [pending jurisdictional classification]) and representative status of the position for which you are interviewing.

**1.2 Upon appointment** to a position, you will receive a letter of appointment indicating title, salary grade, step, rate of compensation, jurisdictional classification (i.e., exempt, competitive, noncompetitive, or PJC and representative status).

**1.3 Additional Compensation.** Certain employees may be eligible to

---

<sup>1</sup> This General Employment Information Policy replaces H.R. Policy No. 6.0 (Personnel Records) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

receive additional compensation for working certain shift hours (shift differential), for being on-call or for pre-approved overtime. Employees should refer to Policy 27 Timekeeping and their Collective Bargaining Agreement (CBA) for applicable information.

**1.4 Salary Schedule.** Employees are paid according to a salary schedule.

(a) The salary schedule for employees represented by a union is negotiated for and published in the collective bargaining agreement.

(b) The salary schedule for confidential/managerial and non-Represented employees is approved by the Board.

## **Section 2 Paychecks.**

**2.1 Payday.** Employees will receive a paycheck on the Thursday following the end of the pay period.

(a) Employees within a collective bargaining unit are paid weekly. All other employees are paid bi-weekly.

(b) Deductions are made from paychecks for federal, and state income taxes and for social security, Medicare, employee contributions for health insurance (unless waived), union dues (if applicable), and retirement system contributions (if applicable).

(c) Employees also may elect to have other deductions taken from their paycheck for flexible spending account programs, and other deferred compensation programs.

**Section 3 Direct Deposit.** Employees may participate in a direct deposit program which allows the Authority to deposit payroll funds directly into the employee's designated bank account.

**3.1 Procedure.**

- (a) New employees may sign-up for direct deposit at the time of their orientation.
- (b) Existing employees may later sign up for direct deposit by completing and returning the Direct Deposit Form to the Payroll Department.
- (c) Any employee who has not signed-up for direct deposit will receive a paper payroll check. Payroll checks and direct deposit receipts are mailed on the Thursday following the pay period. When a holiday falls on Thursday, checks or direct deposit receipts will be mailed on Wednesday of that week.

**Section 4 Retirement.**

**4.1 Retirement System.** All new employees hired on a permanent full-time basis may join a New York State public retirement system within 30 days of their date of appointment.

- (a) Since July 1, 2013, newly hired ECWA employees have been enrolled in two public retirement plans: New York State & Local Retirement System (NYSLRS) plan or the New York State Voluntary Defined Contribution (VDC) plan.
- (b) The VDC option, however, is only available to unrepresented employees of New York State public employers hired on or after July 1, 2013 and earning at the full-time rate of \$75,000 or more on an annual basis and is subject to other eligibility restrictions.
- (c) If an employee fails to make a timely election, state law requires placement in NYSLRS. Once an election is made, it cannot be changed during any period of public employment in New York State and is retroactive to the date of appointment.

## **Section 5 Personnel folders.**

**5.1 Location of Personnel Folders.** Personnel Folders are maintained in the Office of the Secretary. Materials maintained in the employee's personnel folder include but are not limited to information pertaining to:

- Appointment.
- Promotions.
- Transfers and/or reassignments.
- Commendations.
- Performance Evaluations; and
- Other Personnel Actions.

**5.2 Use of Information.** These materials may be used when an employee is being considered for promotion, reassignment and/or transfer and disciplinary action

### **5.3 Employee Review of Personnel Folder.**

(a) An employee is allowed to inspect his/her personnel file upon written request to the Secretary of the Authority or at any time when an adverse personnel action is initiated against the employee.

(b) The employee will not be allowed to remove the folder or its contents from the administrative office, but he/she may request copies of any material in their personnel folder.

**5.4 Employee Inclusion of Additional Material.** An employee may submit for inclusion in his/her personnel folder any material relating to his/her career at the Authority, including commendations, awards, or replies to material he/she feels is unfavorable.

**5.5 Release of Information to Third Parties.** A personnel folder will not be given, copied, or shown to third parties outside of the Authority without the employee's written permission.



## **Section 6 Employment Verification.**

**6.1 Current Employees.** There may be situations when employees will need information regarding his/her employment verified for personal or business reasons. Requests for written verification must be made in writing, signed by the employee, and submitted to the Office of the Secretary.

The Authority will verify the following information:

- The employee is currently an employee.
- Job title(s) and compensation
- Dates of employment.

### **6.2 Former Employees.**

The Authority will verify the following information:

- Job title(s) held
- Dates of employment.

## **Section 7 Changes to your Name or Address.**

**7.1 Notification to the ECWA Human Resources Department.** To keep personnel records up to date, it is the employee's responsibility to notify the Authority's Human Resources Department and his/her supervisor of any changes in:

(a) **Name.** To avoid errors on your records, employees should use one form of his/her name consistently (e.g., first, and/or middle and last name, and/or the use of initials) to avoid errors in their personnel records.

(b) **Address.** This must be a complete address of your home residence. Post Office box numbers do not qualify as a home address and may be used for mailing purposes only.

**7.2 Notification to Erie County Personnel Department.** In the event there is a change in your name or address, it is also your responsibility to notify the Erie County Personnel Department in writing to ensure you will be properly canvassed from any eligible Civil Service lists.

**7.3 Additional Information Needed.** You should also provide the Human Resources Department with the following additional information:

- Telephone number
- Marital status
- Number of dependents
- In case of emergency contact person
- Beneficiary designation for insurance, disability, or pension

purposes

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

**Re: TRAVEL & TRAINING  
POLICY & PROCEDURES**

**Policy No. 8**

**Application: All Employees**

**Amended: 09/12/2006  
02/20/2014  
02/07/2019  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide for reimbursement of employee expenses incurred on Authority business.

## **POLICY**

It is the policy of the Authority to reimburse its employees for all necessary and legitimate expenses actually incurred when traveling on authorized Authority business and properly documented on an Expense Report.

## **PROCEDURE**

### **Section 1 Required Travel and Training Approvals.**

**1.1 Local Training During Normal Business Hours.** With the approval of the Department and Division Head, an employee may attend training seminars or conferences conducted locally during normal business hours.

**1.2 Overnight or Out of Town Travel.** When attendance requires overnight travel and/or out of town travel, approval of the Board of Commissioners is required prior to attending such training seminars or conferences.

### **Section 2 Expenses.**

**2.1 Reimbursable Expenses.** The Authority will reimburse its employees for all necessary, legitimate, and reasonable expenses actually incurred when traveling on authorized Authority business and properly documented on an Expense Report. Examples of necessary and legitimate expenses are as follows:

---

<sup>1</sup> The Travel & Training Policy & Procedures replaces H.R. Policy No. 8.0 (Travel and Training Expenses).

- ◆ Transportation
- ◆ Lodging
- ◆ Meals
- ◆ Registration fees
- ◆ Technical publications
- ◆ Educational materials of a professional nature

**2.2 Non-reimbursable Expenses.** Examples of expenses that are *not* reimbursable are as follows:

- ◆ Expenses incurred by a spouse or companion
- ◆ Clothing or toiletries lost or forgotten
- ◆ Dry cleaning or laundry service
- ◆ Non-professional reading material

The list of expenses in Section 2.1 and Section 2.2 are provided only as examples and are not intended to be exhaustive.

**2.3 Denial of Expenses.** A Division or Department Head and the Secretary of the Authority may disapprove any expenses deemed excessive or unreasonable.

### **Section 3 Use of Authority Credit Cards.**

**3.1** In a case where an employee is given permission to use the Authority credit card, the card is to be used for Authority business only. Under no circumstances is it to be used for personal items.

**3.2** The Authority credit card is not to be used for automobile expenses when a personal vehicle is used on Authority business. In such cases, expenses will be reimbursed as outlined in Section 4.

### **Section 4 Vehicle Expenses.**

#### **4.1 Personal Vehicles.**

- (a) Parking, fees, and tolls will be reimbursed by the Authority upon presentation of receipts. All other expenses will be reimbursed using the standard mileage rate established by the Internal Revenue Service.
- (b) The Authority's blanket insurance policy does cover the employee's vehicle for liability when the employee is traveling on Authority business. If the employee has coverage through a personal policy, the Authority's policy covers the difference between coverage of the personal policy and actual expenses.

- (c) Commuting costs will *not* be reimbursed by the Authority. Commuting costs are those that would normally be incurred from the employee's home to his or her assigned job site and return.

#### **4.2 Authority Vehicles.**

- (a) Employees using Authority vehicles are encouraged to obtain gasoline and other petroleum products from the Service Center as these represent the least cost to the Authority.
- (b) In circumstances where return to the Service Center is not practical, gasoline credit cards belonging to the Authority should be used.
- (c) In lieu of the above options, cash or personal credit cards can be used, and expenses will be reimbursed upon submission of an Expense Report.

### **Section 5 Direct Billing of Expenses.**

**5.1** When possible, the Authority will arrange to have air fares, car rentals, and hotel accommodations billed directly to the Authority. This provides for the recognition of the tax-exempt status of the Authority and should be used whenever possible.

- (a) If lodging in New York State, the employee will need to provide the hotel with a tax-exempt form. This form can be obtained from the Human Resources Department.
- (b) When direct billing is used, the employee should request a copy of the bill when service is rendered and attach it to the Expense Report.

### **Section 6 Submission of Expense Report.**

**6.1 Expense Report Documentation.** All expenses, submitted for reimbursement, must be fully documented on an Expense Report indicating date(s) of travel, purpose of travel and location/destination and accompanied by vendor and/or credit card receipts as follows:

- (a) *Airfare.* An actual air ticket;
- (b) *Car rental.* A copy of the contract including final costs;
- (c) *Ground Transportation.* Vendor receipt;
- (d) *Lodging.* Vendor invoice;

- (e) *Meals.* A vendor receipt or credit card receipt;
- (f) *Gratuities.* Gratuities must be shown on vendor or credit card receipts;
- (g) *Local travel in Authority-Owned-Vehicles.* Expense Reports must include only a general description of the purpose of the travel (e.g., daily travel between the Sturgeon Point and Van De Water Treatment Plants);
- (h) *Toll and parking receipts* must be attached and include dates.

**6.2 Timely Expense Report Submission.** Expense Reports must be filed within 60 days of the date the expense was incurred.

**6.3 Late Expense Report Submission.** Expense Reports submitted after 60 days from the date the expense was incurred are treated as wages under IRS rules and will be included in the employee's paycheck and taxed accordingly.

## **Section 7 Approval of Expense Report.**

**7.1 Expense Reports Submitted by An Employee.** All Expense Reports submitted by an employee must be signed by the employee and approved by the Department Head, the Division Head, or Secretary to the Authority.

**7.2 Expenses Submitted by a Department Head.** All Expense Reports submitted by a Department Head must be approved by the Division Head or Secretary to the Authority.

**7.3 Expenses Reports Submitted by the Division Head.** All Expense Reports submitted by the Division Head must be approved by either the Chairman or the Treasurer of the Authority.

**7.4 Expense Reports Submitted by a Member of the Authority.** All Expense Reports submitted by a member of the Authority must be approved by either the Treasurer or Chairman of the Authority. The Chairman and the Treasurer may not approve their own Expense Report.

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

**Re: ABSENTEE CONTROL PROGRAM Policy No. 10  
POLICY & PROCEDURES**

**Application:** All Employees

**Amended:** 10/20/2022<sup>1</sup>  
09/20/2023

**PURPOSE**

The Erie County Water Authority (ECWA) has implemented an Absentee Control Program to encourage good attendance on the part of all ECWA employees and to establish uniform and equitable guidelines to deal with employee absenteeism. Subject to the terms of any applicable collective bargaining agreement and these policy provisions adopted by the Board of Commissioners, employee attendance will be monitored by the employee's immediate supervisor for the purpose of preventing improper use of sick leave benefits. Supervisors will monitor attendance based on several factors including the total number of days off, the frequency of absenteeism and any pattern indicating potential abuse. The evaluation process shall be administered fairly and equitably to all employees with thoughtful attention extended to employees who are legitimately prevented from working due to a documented illness or injury. Abuse of sick leave privileges, however, shall be cause for disciplinary action by the Authority.

**PROCEDURE**

**Section 1 Blue-Collar Employees.**

**1.1 Sick leave benefits** are provided to Blue-Collar employees represented by the Brotherhood of Western New York Water Workers pursuant to Article VIII, Section 1 of the Collective Bargaining Agreement. "Sick leave is excused absence with pay necessitated by the illness or other physical disability of the employee." Under the terms of the Collective Bargaining Agreement, the Authority has the right to require verification of claims for sick leave benefits.

---

<sup>1</sup> This Absentee Control Program Policy & Procedures replaces H.R. Policy No. 10.0 (Absentee Control Program) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

## **1.2 Absenteeism.**

- (a) Employees with excessive instances of undocumented absenteeism or who are disciplined for absenteeism shall be subject to verification of future claims for sick leave benefits as is deemed necessary by the Authority.
- (b) This verification may include medical reports or documentation by an employee's physician, or by a physician selected by the Authority.
- (c) Failure to provide the required verification will result in the denial of sick leave benefits.
- (d) Employees that have been found to abuse or falsely claim sick leave benefits shall be subject to disciplinary action up to and including discharge.

## **1.3 Attendance Review.**

- (a) The first level of attendance review of an employee rests with the designated supervisor. Supervisors shall continuously review the records of any employee when any of the following circumstances occur:
  - (1) The employee is late or absent twelve (12) or more days, totaling at least sixty-four (64) hours in a twelve (12) month period. Any lateness beyond the scheduled start of any shift and/or workday is an occurrence of two hours under this program. An employee may claim six excused tardiness occurrences per calendar year.
  - (2) The employee takes sick leave beyond his/her sick leave benefits and has completed his/her probationary period.
  - (3) The employee has a pattern of absenteeism that indicates abuse, such as frequent Monday and Friday absences, frequent tardiness, or undocumented partial day absences.
  - (4) Absences of four (4) or more days verified in accordance with the provisions of the Collective Bargaining Agreement shall not be considered under the terms of this program.



#### **1.4 Occurrences.**

- (a) **First Occurrence.** In this review, the supervisor shall discuss the reasons for the employee's absences and counsel him/her that the Authority requires attendance. A record of this action shall be forwarded to the Director of Human Resources or his or her designee with a copy to the employee. This action will result in a verbal warning.
- (b) **Second Occurrence.** If a second occurrence involving any of the above circumstances occurs within a six (6) month period, the immediate supervisor shall again meet with the employee. The employee's Department Head, and the Director of Human Resources or his or her designee may be included at this meeting, and the chief steward will be notified of such meeting. Based on this meeting, an employee will be issued a written warning if sufficient explanation or documentation for the absence is not provided. A copy will be furnished to the steward.
- (c) **Third Occurrence.** If a third occurrence takes place within a nine (9) month period, an employee will be issued a two-day disciplinary layoff unless sufficient documentation of the claim for sick leave benefits is provided.
- (d) **Fourth Occurrence.** If a fourth occurrence takes place within a twelve (12) month period as described above, the employee will be subject to a five (5) day disciplinary layoff.
- (e) **Fifth Occurrence.** If a fifth occurrence takes place within an eighteen (18) month period as described above, the employee will be subject to disciplinary action with a minimum of thirty (30) calendar days disciplinary layoff up to discharge.

#### **1.5 Miscellaneous Provisions.**

- (a) In any case involving suspension or discharge, the employer must notify the employee in writing of his/her suspension or discharge and the reasons; therefore, a copy of which shall be furnished to the Union President and to the AFSCME Council 66 Representative. The Union shall be notified within twenty-four (24) hours of such suspension or discharge.

- (b) The parties agree that the procedure set forth in the Collective Bargaining Agreement and re-stated in this policy will be the only way an employee will be disciplined. Should any section or clause of Section 75 of the Civil Service Law be read as contradictory to a provision of the Collective Bargaining Agreement, the language contained in this Collective Bargaining Agreement shall always supersede the section or clause of Section 75 in question.
- (c) The provisions of this Disciplinary Procedure shall be the sole and exclusive procedure for review of disciplinary action taken against bargaining unit employees.
- (d) This procedure shall take the place of and constitute a waiver of all rights that each bargaining unit employee has or may have under sections 75 and 76 of the Civil Service Law and any other statutory, regulatory, or constitutionally required protections to the extent permitted by law.
- (e) The action may be appealed by the employee through the Union and be processed as a grievance matter at the third (third) step of the grievance procedure within ten (10) working days of receipt of such notification, and the matter shall be handled in accordance with this procedure through the arbitration step, if deemed necessary by the Union.

## **Section 2 White-Collar Employees.**

**2.1 Sick leave benefits** are provided to White-Collar employees represented by CSEA, Local 1000, pursuant to Article VIII, Section 1 of the Collective Bargaining Agreement. "Sick leave is excused absences with pay necessitated by illness or other physical disability which includes medical or dental appointments of the employee, and immediate family, to a maximum of ten (10) days per calendar year." Under the terms of the Collective Bargaining Agreement, the Authority has the right to require verification of claims for sick leave benefits.

## **2.2 Absenteeism.**

- (a) Employees who are absent an excessive number of times without proof of illness or injury will be subject to verification of future illness and disciplinary actions.

## **2.3 Attendance Review.**

- (a) The first level of attendance review of an employee lies with the immediate supervisor. Supervisors shall review the records of an employee when any of the following circumstances occur:
  - (1) The employee has unexcused occurrences (absences) totaling seventy-two (72) hours or more in a twelve-month (12) period. Any unexcused occurrence (absence) shall be defined as any time an employee is absent from a scheduled shift or portion of a shift and claims sick leave benefits and fails to submit a certificate from the attending medical personnel showing the date of attendance or treatment. The points that any employee may have under the Absentee Control Program shall NOT reset upon the execution of a Collective Bargaining Agreement. Any points that an employee has shall remain in place.
  - (2) The employee takes sick leave beyond his/her sick leave benefits and has completed his/her probationary period.
  - (3) The employee has a pattern of absenteeism that indicates abuse, such as frequent Monday and Friday absences, frequent tardiness, or undocumented partial day absences.

## 2.4 Occurrences.

- (a) **First Occurrence.** In this review, the supervisor shall discuss the reasons for the employee's absences and counsel him/her that the Authority requires attendance. A record of his/her action shall be forwarded to the Director of Human Resources or his or her designee with a copy to the employee. This action will result in a verbal warning being issued.
- (b) **Second Occurrence.** If a second occurrence involving any of the above circumstances occurs within an eighteen (18) month period, the immediate supervisor shall again meet with the employee. The employee's Department Head, and the Director of Human Resources or his or her designee may be included at this meeting, and the employee may have a steward present, if requested. Based on this meeting, an employee will be issued a written warning if sufficient explanation or documentation for the absence is not provided.
- (c) **Third Occurrence.** If a third occurrence takes place within an eighteen (18) month period, an employee will be issued a disciplinary suspension unless sufficient documentation of the claim for sick leave benefits is provided.
- (d) **Fourth Occurrence.** If a fourth occurrence takes place within an eighteen (18) month period, as described above, the employee will be subject to disciplinary action from a minimum of one-week disciplinary suspension up to and including discharge.

## 2.5 Miscellaneous Provisions.

- (a) Employees disciplined for excessive undocumented absenteeism shall be subject to verification of future claims for sick leave benefits as is deemed necessary by the Authority. This verification may include medical reports by an employee's personal physician or physicals by a doctor selected at the discretion of the Authority.
- (b) Failure to provide the required verification will result in denial of sick leave benefit claims.

- (c) Employees who have been found to abuse or falsely claim sick leave benefits shall be subject to disciplinary action up to and including discharge.
- (d) The Authority and the Union have agreed that the procedure set forth in the Collective Bargaining Agreement and restated in this policy, will be the only way an employee will be disciplined for violation of this policy, and who otherwise, is protected by the provisions of Section 75 of the Civil Service Law.
- (e) Should any section or clause of Section 75 be read as contradictory to a provision of this provision, the language contained in this provision shall always supersede the sentence or clause in question.
- (f) The parties agree that if an employee disciplined under the provisions of this Policy feels that he/she is aggrieved, he/she may pursue only the procedure provided for in Article IV of the Collective Bargaining Agreement, and no other procedure as provided for in the Civil Service Law.

### **Section 3 Non-Represented Employees.**

#### **3.1 Sick Leave Benefits.**

- (a) Non-Represented employees earn sick leave credits at the rate of one and one-quarter (1 ¼) working days per month for each month of service with the Authority. No credit for sick leave is allowed unless the employee has worked at least fifty (50%) percent of the working days in each calendar month.

#### **3.2 Absenteeism.**

- (a) Sick leave is an “excused absence with pay necessitated by illness or other physical disability which includes medical or dental appointments of the employee, and immediate family.”
- (b) Under the terms of this policy adopted by the Board of Commissioners, the Authority has the right to require verification of claims for sick leave benefits.

### **3.3 Attendance Review.**

(a) The first level of attendance review of an employee rests with the designated supervisor. Supervisors shall continuously review the records of any employee when any of the following circumstances occur:

(1) The employee takes sick leave beyond his/her sick leave benefits and has completed his/her probationary period.

(2) The employee has a pattern of absenteeism that indicates abuse, such as frequent Monday and Friday absences, frequent tardiness, or undocumented partial day absence.

### **3.3 Occurrences.**

(a) **First Occurrence.** In this review, the Supervisor shall discuss the reasons for the employee's absences and counsel him/her about why the Authority requires attendance. A record of this action shall be forwarded to the Human Resource Department with a copy to the employee.

(b) **Subsequent Occurrences.** When any of the above circumstances recurs after the initial review, the immediate Supervisor shall again meet with the employee. At this time, the Authority may seek disciplinary action under Section 75 of the New York State Civil Service Law.

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

**Re: CODE OF ETHICS &  
CONFLICTS OF INTEREST  
POLICY & PROCEDURES**

**Policy No. 11**

-----  
**Application: All Employees**

**Amended: 05/11/2006 01/21/2021  
04/03/2008 10/20/2022<sup>1</sup>  
05/21/2009 09/20/2023  
01/26/2012  
08/22/2013  
03/26/2019  
03/24/2020**

**ARTICLE I  
DEFINITIONS**

**Section 1 Definitions.**

- (a) “Ad hoc member” means a committee member who is not a duly appointed Commissioner and who is appointed to serve as a non-voting committee member pursuant to the Authority’s By-laws.
- (b) “Authority” means the Erie County Water Authority.
- (c) “Board” means the Authority’s Board of Commissioners.
- (d) “Chief Operating Officer” means the individual whose position is defined under the job specifications for Executive Director.
- (e) “Code” means this Code of Ethics and Conflicts of Interest Policy.

---

<sup>1</sup> This Code of Ethics & Conflicts of Interest Policy and Procedures replaces H.R. Policy No. 11.0 (Code of Ethics).

- (f) “Employee” includes any Authority employee holding either a full-time position or a regular, part-time position.
- (g) “Ethics Committee” means a standing committee of the Board, as described in Article IV, section 4 of the Authority’s By-Laws.
- (h) “First-degree family members” mean parents, stepparents, children, step- children, and siblings, including half- and stepsiblings.
- (i) “General Counsel” means the individual whose position is defined under the job specifications for Attorney.
- (j) “Immediate family” means any first-degree family member related by blood or marriage.
- (k) “Interested Person” means any member, ad hoc member, officer, or employee who has a direct or indirect personal financial interest in any matter pending before the Authority.
- (l) “Independent Ethics Panel” or “IEP” means the entity whose powers are proscribed in Article VI, section 4, sub-section (e) of the Authority’s By- Laws.
- (m) “Members” mean the Authority’s Commissioners, duly appointed pursuant to Public Authorities Law § 1053(1).
- (n) “Officers” mean the Chair, Vice Chair and Treasurer and other officers as may be appointed pursuant to Public Authorities Law § 1053(3), including but not limited to the Secretary to the Authority.
- (o) “Personal financial interest” means a financial interest benefiting a member, ad hoc member, officer, or employee, and/or his/her immediate family.
- (p) “Personal loan” means a loan to the member, ad hoc member, officer, or employee, or member of his/her immediate family.



## **ARTICLE II CODE OF ETHICS**

### **Section 1 Purpose.**

As a public benefit corporation, the Authority must conduct its operations in a manner that best serves the interests of its customers and the public. Its mission is to provide the Authority's customers with a plentiful supply of safe, high quality and affordable drinking water through reliable infrastructure.

The Authority expects its members, ad hoc members, officers, and employees to observe high ethical standards of conduct in the performance of their duties, and in compliance with all laws and regulations governing the Authority's operation. This Code of Ethics shall serve as a guide for official conduct and is intended to enhance the ethical and professional performance of the Authority's members, ad hoc members, officers, and employees and to preserve the public confidence in the Authority's mission.

### **Section 2 Policy.**

Members, ad hoc members, officers, and employees shall perform their duties with transparency and without favor and shall refrain from engaging in outside matters of personal financial interest or of personal interest, including other employment, which could impair their independence of judgment, or prevent the proper exercise of one's official duties.

This Code is in addition to all other laws, restrictions, standards, and provisions applicable to the conduct of the Authority's members, ad hoc members, officers, and employees.

### **Section 3 Standard of Conduct.**

- (a) The Authority's members, ad hoc members, officers, and employees shall:
  - (1) Endeavor to perform the duties of their position to the best of their ability and in a spirit of service to all persons

and concerns for which the Authority was created;

- (2) Uphold the high standards of dedicated public service rendered over the years by Authority members, ad hoc members, officers, and employees;
  - (3) Support and encourage fellow employees in the proper execution of their duties;
  - (4) Address any question of conduct or regulation that may occur to either the Authority's General Counsel, or the Chair of the Independent Ethics Panel (IEP).
- (b) Members, ad hoc members, officers, and employees shall conduct themselves at all times in a manner that avoids an appearance that they can be improperly or unduly influenced, that they could be affected by the position of, or relationship with, any other party, or that they are acting in violation of the public trust.
- (c) Members, officers, and employees shall manage all matters within the scope of the Authority's mission independent of any other affiliations or employment. Members, including ad hoc members, officers, and employees shall strive to fulfill their professional responsibility to the Authority without bias and shall support the Authority's mission to the fullest.

#### **Section 4 Prohibited Conduct.**

- (a) The Authority's members, ad hoc members, officers, and employees shall not:
- (1) Directly or indirectly receive any compensation or interest, financial or otherwise, or incur any obligation, which would be a substantial conflict with the proper discharge of their duties with the Authority;
  - (2) Engage in other employment that might impair the independence of their judgment in the execution of their duties with the Authority;

- (3) Disclose confidential information, acquired in the course of official duties, or use such confidential information to further personal financial interests;
  - (4) Directly or indirectly solicit, accept, or receive any gift, whether in the form of a promise, money, services, a loan, lodging, meals, entertainment, or anything of value.
  - (5) Arrange for the extension of credit or renew an extension of credit in the form of a personal loan from the Authority.
- (b) Unless otherwise permitted by the IEP or the Ethics Committee, no immediate family member of a member, ad hoc member, officer, or employee may directly or indirectly solicit, accept, or receive any other items described in § 4(a)(4) of this Article.
- (c) Unless otherwise permitted by the IEP or the Ethics Committee, no member, ad hoc member, officer, employee nor an immediate family member of a member, ad hoc member, officer, or employee may engage in the following actions:
- (1) Speculating or dealing in equipment, supplies, or materials normally purchased by the Authority;
  - (2) Borrowing money from the Authority, suppliers, significant commercial customers, individuals, or firms with whom the Authority does business (loans or mortgages from banks or individuals doing business with the Authority are exempt if the terms are at current rates and the customary collateral for such transactions is provided);
  - (3) Acquiring an interest in real estate in which it is known that the Authority also has a current or anticipated interest;

- (4) Misusing information to which the individual has access by reason of his or her position, including, but not limited to, disclosing confidential information (of a technical, financial, or business nature) to others outside or inside the business (whether or not a consideration is received), or using such information for one's own interest or the interest of an immediate family member;
  - (5) Soliciting funds or other items of value from the Authority's vendors, suppliers, or consultants for self-interest or for the benefit of any other organization, club, or person, whether such other persons or entities are charitable, religious or profit-making;
  - (6) Serving as an officer, director, manager, consultant, volunteer, or an independent contractor with another company or business organization directly or indirectly related to the Authority without specific authorization from the Authority; and
  - (7) Legally representing or exerting influence in favor of a current or potential vendor, including but not limited to, assisting in the drafting of applications, plans or proposals for Authority approval or submitting such applications, plans or proposals to the Authority.
- (d) The prohibited actions and activities set forth in this section do not encompass every situation that may lead to a conflict of interest.

## **ARTICLE III**

### **CONFLICTS OF INTEREST POLICY**

#### **Section 1 Purpose.**

- (a) The purpose of this Conflicts of Interest Policy is to protect the Authority's interest when it is contemplating entering into a transaction or arrangement that might benefit the private

interest of a member, ad hoc member, officer, or employee of the Authority. This policy is intended to supplement, but not

replace, any applicable state laws governing conflicts of interest applicable to the Authority.

- (b) A conflict of interest is just one example of a violation of ethical conduct. This policy is intended to complement the Authority's Code of Ethics by providing specific procedures to deal with conflicts of interest. To the extent that a matter falls within the scope of both this policy and the Authority's Code of Ethics, the provisions of this Conflicts of Interest Policy shall govern.

## **Section 2 Prohibition against Conflicts.**

- (a) Section 1068 of the New York Public Authorities Law sets forth the following requirements with respect to conflicts of interest:

It shall be a misdemeanor for any of the members of the authority, or any officer, agent, servant, or employee thereof, employed or appointed by them to be in any way or manner interested directly or indirectly in the furnishing of work, materials, supplies or labor, or in any contract therefor which the authority is empowered by this act to make.

- (b) In the event the Authority discovers a violation of the above provision, the Authority shall investigate and, if warranted, report the offense to the Inspector General of the State of New York.
- (c) This Conflicts of Interest Policy provides additional guidance regarding actual or potential conflicts of interest, including circumstances not within the scope of Public Authorities Law § 1068.

## **Section 3 Personal Financial Interest.**

- (a) A person has a personal financial interest if the person has, directly or indirectly, through business, investment, or family:

- (1) an ownership or investment interest in, or employment with, any entity with which the Authority has a transaction or business arrangement; or
  - (2) a compensation arrangement with any entity or individual with which the Authority has a transaction or arrangement; or
  - (3) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Authority is negotiating a transaction or arrangement.
- (b) Compensation includes direct and indirect remuneration as well as gifts or favors that are substantial in nature.
- (c) A personal financial interest is not necessarily a conflict of interest. No conflict of interest exists where a personal financial interest arises solely from an immediate family member that holds a clerical, ministerial or low-level management position with an existing or potential vendor, lacks the power to influence the relationship between the business and the Authority and did not obtain his or her position as a means to influence a member, ad hoc member, officer, or employee of the Authority.
- (d) A person who has a personal financial interest may have a conflict of interest only if the Board determines that a conflict of interest exists pursuant to the enforcement and hearing procedures set forth in Article V, § 2 of this Code.

#### **Section 4 Duty to Report.**

- (a) A member, ad hoc member, officer, or employee must immediately report to the Authority's General Counsel or to the IEP Chair gifts of any value, whether in the form of a promise or an offer to give money, services, a loan, or to provide lodgings, meals, or entertainment.

- (b) An interested person must disclose the existence of his or her personal financial interest and all material facts surrounding the Financial Interest to the Authority's General Counsel and to the IEP.
- (c) If the Authority's General Counsel or the IEP have reasonable cause to believe an interested person has failed to disclose an actual or possible conflict of interest, they shall inform the interested person of the basis for such belief and afford him/her an opportunity to explain the alleged failure to disclose.
- (d) After disclosure of the personal financial interest, the General Counsel and the IEP will interview the interested person and conduct whatever investigation is warranted by the disclosure.
- (e) After exercising due diligence, the IEP will report its findings and recommendation to the Ethics Committee. The Ethics Committee will review such findings and recommendations. If the Ethics Committee determines further action should be taken, it will forward the matter to the Board.

## **Section 5 Standard of Review.**

- (a) After exercising due diligence, if the Ethics Committee determines the Authority can obtain an equal or more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest, then it will forward the matter to the Board with its recommendation.
- (b) If the Ethics Committee determines an equal or more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, then it will forward the matter for the Board to determine whether the transaction or arrangement should proceed or be terminated. A Board ruling to proceed shall include a determination that the transaction or arrangement is in the Authority's best interest, is done for its own benefit and is fair and reasonable to the Authority.

## **ARTICLE IV EMPLOYMENT RESTRICTIONS**

### **Section 1 One-Year Moratorium.**

- (a) No person who has served as a member, officer or employee of the Authority shall within a period of one year after the termination of such service or employment appear or practice before the Authority or receive compensation for any services rendered by the member, officer or employee through or on behalf of any person, firm, corporation or association in relation to any case or transaction with respect to which such person was directly concerned, or participated in, during the period of his or her service with the Authority.
- (b) Notwithstanding the foregoing, the one-year moratorium shall not apply to (i) normal business issues arising because of the person's status as a water customer of the Authority and (ii) professional services provided by such person pursuant to a written agreement with the Authority, to the extent such agreement is otherwise consistent with this Code of Ethics.

### **Section 2 Nepotism Policy.**

- (a) In no event shall an immediate family member of a member be hired during the term of the member.
- (b) An immediate family member of an ad hoc member, officer, or employee may be considered for a permanent position only if all the following conditions are met:
  - (1) The ad hoc member, officer, or employee had no role in approving or appointing the immediate family member, pursuant to H.R. Policy No. 92 (Employment Policy and Procedures); and
  - (2) The immediate family member is an appointment from a Civil Service List; or



- (3) There will be no supervisory relationship between the immediate family member and the related ad hoc member, officer, or employee, and the immediate family member and the related member, ad hoc member, officer, or employee will not work in the same department.
  
- (c) If current members, ad hoc members, officers, or employees marry, it may be necessary for the Authority to reassign one or both individuals, particularly in the case of close working, or direct supervisory relationships.
  
- (d) An immediate family member may be considered for summer or temporary employment only if all the following conditions are met:
  - (1) There will be no supervisory relationship between the immediate family member and the related ad hoc member, officer, or employee; and
  - (2) The immediate family member and the related ad hoc member, officer, or employee will not work in the same department.
  
- (e) In no event shall a related ad hoc member, officer, or employee participate in any decision to hire, promote, discipline, or discharge an immediate family member.
  
- (f) The effective date of this section is March 26, 2019. Immediate family members whose date of hire is before May 1, 2018, may continue in their current position or may be promoted despite the provisions set forth in this section.

## **ARTICLE V IMPLEMENTATION & ENFORCEMENT**

### **Section 1 Distribution.**

The Code shall be reviewed annually by the Board and posted on the Authority's website. All members, ad hoc members, officers, and employees

shall be given a copy of this Code upon appointment or commencement of employment and thereafter annually.

## **Section 2 IEP & Ethics Committee.**

- (a) The Board designates the ad hoc members of the IEP as its Ethics Officers, who shall report to the Ethics Committee and Board.
- (b) The Ethics Committee shall prepare, review, update, and approve financial disclosure statements to be filed by members, ad hoc members, officers, and designated employees with the IEP.
- (c) The IEP shall have the following duties:
  - (1) Interpret and make recommendations regarding any questions or purported violations of this Code and any statutory ethical standards affecting members, ad hoc members, officers, employees or their immediate family;
  - (2) Counsel in confidence all members, ad hoc members, officers, employees, and their immediate family, who seek advice about ethical behavior;
  - (3) Receive and investigate complaints about possible conflicts of interest and ethics violations;
  - (4) Recommend the dismissal of any complaint found to be without substance;
  - (5) Prepare an investigation report of its findings and recommendations for the Ethics Committee to consider and to recommend such further action be taken by the Board;
  - (6) Record the receipts of gifts or gratuities of any kind, received by any member, ad hoc member, officer, employee, or immediate family member, who shall notify the IEP within 48 hours of receipt of such gifts and gratuities.

- (d) Any reports or recommendations made by the IEP must list those ad hoc members who concur or dissent with the report or recommendation.
- (e) Members, ad hoc members, officers, and employees are required to report possible unethical behavior by a member, ad hoc member, officer, or employee to the IEP and the Authority's General Counsel. Such a complaint may be filed anonymously and protects the reporting member, ad hoc member, officer, or employee from retaliation. Any form of retaliation is prohibited under this Code and constitutes an ethical violation of this Code.
- (f) At its discretion, the Ethics Committee may recommend to the Board appropriate disciplinary action, which may include, but is not limited to, a reprimand, suspension, or termination. No disciplinary action may be taken without affording the person due process to be heard and to respond to the complaint of unethical behavior. This hearing may also be subject to the applicable provisions, if any, of Civil Service Law § 75 or any applicable provisions of a collective bargaining agreement.

### **Section 3 Records of Proceedings.**

The IEP shall keep records of all proceedings, including:

- (a) Names of the persons who disclosed or otherwise were found to have a personal financial interest in connection with an actual or possible conflict of interest, the nature of the personal financial interest, any action taken to determine whether a conflict of interest was present, and the Board's ruling, if any, as to whether a conflict of interest in fact existed.
- (b) Names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken, or written rulings made in connection with the matter.

## **ARTICLE VI**

### **FINANCIAL DISCLOSURE STATEMENTS**

#### **Section 1 Erie County Board of Ethics.**

- (a) Pursuant to Public Authorities Law § 2825 (3) and Article 18 of the General Municipal Law, members, officers, and designated employees must file an annual financial disclosure statement with the Erie County Board of Ethics on or before the fifteenth day of May with respect to the preceding calendar year.
- (b) A member, officer, or designated employee who has timely filed an application for automatic six-month extension with the Internal Revenue Service (“IRS”) may file a supplemental statement of financial disclosure seven days after the expiration of the six-month automatic extension with the IRS. This six-month extension does not extend the May 15<sup>th</sup> deadline but does allow an individual to file a supplemental financial statement, correcting any representations made in the initial financial statement.
- (c) The following members, officers, and employees are required to file annual disclosure statements with the Erie County Board of Ethics: Commissioners, the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and Executive Engineer.
- (d) The following members, officers, and employees are required to file an Employee Disclosure Form with the Erie County Board of Ethics within ten (10) days of appointment: Commissioners, the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and Executive Engineer.

#### **Section 2 In-House Financial Disclosure Statements.**

- (a) The members, ad hoc members, officers, and designated employees are required to file an in-house financial disclosure statement with the Authority’s IEP within ten (10) days of appointment or commencement of employment and thereafter annually.

- (b) In-house financial disclosure statements shall be filed by all members, all employees holding an “exempt” job title, and other employees holding certain job titles:

(1) Exempt Job Titles

- i. Associate Attorney;
- ii. Associate Attorney RPT;
- iii. Chief Financial Officer;
- iv. Chief Operating Officer;
- v. Comptroller;
- vi. Comptroller (Part time);
- vii. General Counsel;
- viii. Executive Engineer;
- ix. Secretary to the Authority;
- x. Senior Associate Attorney.

(2) Designated Job Titles

- i. Administrative Assistant;
- ii. Assistant Business Office Manager;
- iii. Assistant Manager of Accounting Services;
- iv. Automotive Mechanic Crew Chief;
- v. Business Office Manager;
- vi. Cash Manager;
- vii. Chemist and Chief Water Treatment Plant Operator;
- viii. Chief Business Officer Manager-Budget Director;
- ix. Chief Customer Service Representative;
- x. Claims Representative-Risk Manager;
- xi. Construction Inspector;
- xii. Coordinator of Employee Relations;
- xiii. Deputy Associate Attorney;
- xiv. Deputy Director/Chief Financial Officer;
- xv. Director of Administration;
- xvi. Director of Cybersecurity and Information Technology;
- xvii. Director of Employee Relations;
- xviii. Director of Equal Employment Opportunity (ECWA);
- xix. Director of Human Resources;
- xx. Director of Purchasing & Inventory Management;
- xxi. Director of Operations;
- xxii. Director of Water Quality;

- xxiii. Distribution Engineer;
- xxiv. Electrical Engineer;
- xxv. Employee Benefits Specialist;
- xxvi. Manager of Accounting Services;
- xxvii. Municipal Liaison ECWA (Part time);
- xxviii. Production Engineer;
- xxix. Production Technician;
- xxx. Security Officer (ECWA);
- xxxi. Senior Distribution Engineer;
- xxxii. Senior Micro Technical Support Specialist (ECWA);
- xxxiii. Senior Production Engineer;
- xxxiv. Senior Stores Clerk; and
- xxxv. Any other position designated by Board resolution.

- (c) The General Counsel or the Independent Ethics Panel may direct any other employee who procures goods and services on the Authority's behalf to file a financial disclosure statement.
- (d) All members, ad hoc members, officers, and designated employees have the ongoing obligation to immediately report any conflict of interest that may arise for them or for any of their immediate family members.
- (e) Members, ad hoc members, officers, and designated employees must annually file an in-house financial disclosure statement with the IEP on or before the fifteenth day of May with respect to the preceding calendar year. In-house financial disclosure statements shall be placed in a sealed envelope and addressed to the Independent Ethics Panel, c/o Legal Department, 295 Main Street, Room 350, Buffalo, New York 14203.
- (f) The Authority shall retain all in-house financial disclosure statements for a period of seven years from the required filing date.



Article 75 of the Civil Service Law or to the terms and conditions of a collective bargaining agreement; or

- (2) Any employee holding a civil service position on a temporary, probationary, or provisional basis.
- (b) This policy *is applicable* to full-time salaried employees serving at the will of the Authority. An employee serves at the will of the Authority if the employee holds a job title:
- (1) Classified by the Erie County Personnel Department as exempt;
  - (2) Classified by the Erie County Personnel Department as non-competitive and denoted by an asterisk as confidential and policymaking on Appendix B of the Rules for the Classified Civil Service of the County of Erie; or
  - (3) Pending jurisdictional classification by the Erie County Personnel Department.
- (c) This policy shall be subject to the termination provisions contained in Policy No. 92, Employment Policy and Procedures.

## **Section 2 Terminology.**

- (a) The term “separation” has a broad interpretation and means any circumstance by which an individual shall cease to be employed by the Authority. Separation may be voluntary or involuntary and may apply to an individual or group of individuals.
- (b) The term “termination” has a narrower meaning and applies to an individual who ceases to be employed by the Authority. Termination may be voluntary or involuntary.

## **Section 3 Types of Separation.**

- (a) *Voluntary Termination:* A voluntary termination occurs when the employee initiates the separation. The following are examples of voluntary terminations:
  - (1) Written or oral resignation initiated by the employee;
  - (2) Absence from work for fifteen (15) consecutive workdays without notifying the employee’s supervisor;



- (3) Failure to report for work upon recall from any paid or unpaid leave of absence on a report date designated by the Authority;
  - (4) Failure to return from an approved leave of absence at the expiration of the leave;
  - (5) Retirement; or
  - (6) Other such objective circumstance demonstrating the employee's intent to cease employment with the Authority.
- (b) *Involuntary Termination:* Involuntary termination occurs when the employee does not initiate the separation. The following are examples of involuntary terminations:
- (1) Layoffs due to lack of work or when the Authority reduces its workforce for economic or other reasons;
  - (2) Release by the Authority of an employee, through no fault on the part of the employee under circumstances when the employee is unsuitable for, or incapable of, performing assigned work and no appropriate change of assignment is available;
  - (3) Termination without cause;
  - (4) Written or oral resignation first initiated by the Authority's Human Resource Department;
  - (5) Discharge based on cause under circumstances when the employee who is suitable for, and capable of, performing the assigned work, but is terminated for such reasons including, but not limited to, inefficiency, absenteeism, work rules violations, insubordination, habitual carelessness, or recklessness; falsification of records, theft, or any other inappropriate or prohibited conduct in the workplace; or
  - (6) Separation due to the disability or death of the employee.

## **Section 4 Severance Eligibility.**

**4.1 Not Eligible.** The Authority ***WILL NOT*** provide severance pay:

- (a) To a seasonal, temporary, provisional, or part-time employee;
- (b) To an employee who has less than one year of continuous service with the Authority;
- (c) When an employee voluntarily leaves under circumstances described in section 3, paragraph (a) of this policy;
- (d) When an employee has been terminated for cause under circumstances described in section 3, paragraph (b), subparagraph (5) of this policy; or
- (e) Upon the disability or death of the employee.

### **4.2 Severance Eligibility at Discretion of Board.**

Subject to the provisions within section 5 of this policy, the Authority's Board of Commissioners ***MAY*** exercise discretion to grant severance pay under the following circumstances:

- (a) When an employee is terminated without cause, as in section 3, paragraph (b), subparagraph (3) of this policy; or
- (b) When an employee resigns under circumstances described in section 3, paragraph (b), subparagraph (4) of this policy;
- (c) When an employee has been laid off under circumstances described in section 3, paragraph (b), subparagraph (1) of this policy; or
- (d) When an employee has been released without fault under circumstances described in section 3, paragraph (b), subparagraph (2) of this policy.

## **Section 5 Severance Payments.**

- (a) The Authority *may at its discretion*, provide severance pay under circumstances described in section 4.2 of this policy.
- (b) Under all circumstances, severance pay eligibility and any potential amount of payment for severance is solely at the discretion of the Board of Commissioners.
- (c) **General Release**
  - (1) Before an employee is eligible for severance pay, the employee must sign a general release, releasing the Authority from any and all liability, claims (known and unknown, existing and contingent), demands, actions, causes of action, suits, grievances, debts, sums of money, controversies, agreements, promises, damages, costs, expenses, interest, attorneys' fees, and remedies of any type, by reason of any matter, cause, act or omission occurring on or before the employee's separation of employment with the Authority;
  - (2) The general release must be in a form acceptable to the Authority's General Counsel and shall release the Authority of all liability permitted under law.
  - (3) If an employee refuses to sign a general release, in a form approved by the General Counsel and as otherwise permitted under law, the employee shall not be entitled to any severance payment.
- (d) Severance, if any, shall be in an amount based on a determination made by the Board, taking into consideration the weekly gross income of the employee at the time of separation.

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

<b>Re: PHYSICAL STANDARDS For SELECTIVE TITLES</b>	<b>Policy No. 13</b>
--	----------------------

-----  
**Application: All Employees**

**Adopted: 07/17/2007**  
**Amended: 11/15/2007**  
**03/20/2008**  
**06/12/2008**  
**08/21/2008**  
**10/02/2008**  
**11/24/2008**  
**01/28/2009**  
**06/18/2009**  
**01/26/2012**  
**10/20/2022<sup>1</sup>**  
**09/20/2023**

**SEE ATTACHED POLICY**

---

<sup>1</sup> This Physical Standards for Selective Titles Policy, restates & replaces H.R. Policy No. 13.0 (Physical Standards and Requirements Policy) and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

Erie County Water Authority  
 Job Analysis/Physical Requirements Job Description  
 Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician  
 (Environmental Chemistry)

**Job Titles:** Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician (Environmental Chemistry)

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

- |  |              |
|--|--------------|
| • Bend                                   | Rarely       |
| • Stand                                  | Frequently   |
| • Sit                                    | Frequently   |
| • Walk                                   | Frequently   |
| • Balance                                | Never        |
| • Stoop                                  | Rarely       |
| • Squat                                  | Rarely       |
| • Twisting                               | Rarely       |
| • Kneeling                               | Rarely       |
| • Climbing                               | Rarely       |
| • Use of Hands (simple grasp)            | Continuously |
| • Use of Hands (gripping)                | Continuously |
| • Use of Hands (fine motor manipulation) | Continuously |
| • Lift Under ten pounds                  | Continuously |
| • Lift 10-20 pounds                      | Occasionally |
| • Lift 20-30 pounds                      | Never        |
| • Lift 30-40 pounds                      | Never        |
| • Lift 40-50 pounds                      | Never        |
| • Lift over 50 lbs.                      | Never        |
| • Carry under 10 pounds                  | Continuously |
| • Carry 10-20 pounds                     | Occasionally |
| • Carry 20-30 pounds                     | Never        |
| • Carry 30-40 pounds                     | Never        |
| • Carry 40-50 pounds                     | Never        |
| • Carry over 50 lbs.                     | Never        |
| • Push/Pull under ten pounds             | Occasionally |
| • Push/Pull 10-20 pounds                 | Rarely       |
| • Push/Pull 20-30 pounds                 | Rarely       |
| • Push/Pull 30-40 pounds                 | Rarely       |
| • Push/Pull 40-50 pounds                 | Never        |
| • Push/Pull over 50 pounds               | Never        |
| • Reach above shoulder                   | Rarely       |
| • Reach at shoulder                      | Rarely       |
| • Reach below shoulder                   | Occasionally |
| • Rotation of head                       | Occasionally |
| • Walk on uneven surfaces                | Rarely       |

Erie County Water Authority  
Job Analysis/Physical Requirements Job Description  
Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician  
(Environmental Chemistry)

**Environmental Work Conditions**

- Exposure to foul odors (Ether, Bleach)
- Exposure to toxic chemicals (Ether, Acetone, Bleach)
- Exposure to electric shock hazard.
- Exposure to biological hazards. (Ether, Acetone, Bleach)
- Exposure to all weather conditions (i.e., during field sample collection)
- Exposure to walking on uneven work surfaces (i.e., during field sample collection)
- Exposure to standing and running water (i.e., during field sample collection)
- Exposure to loud noise of machinery (Pump room during field sample collection)
- Exposure to slipping hazards walking on wet surfaces (i.e., during field sample collection)

**Safety Equipment**

- Latex gloves
- Safety glasses
- Lab Coat

**Job Summary**

The physical demand level of the Water Quality Analytical Chemist job family [job classifications: Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician (Environmental Chemistry)] would be classified as **Light** based upon requirements for exerting “a negligible amount of force” (i.e., under 10 pounds) continuously and 10-20 lbs. of force occasionally, as well as, a requirement of walking and standing to a significant degree (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note: the Senior Analytical Chemist is primarily the responsibility for supervising the work of the Water Quality Analytical Chemist job family, however the Senior Analytical Chemist may be called upon to perform the essential function work tasks described herein, including essential function physical requirements, performed by the Analytical Chemist and the Lab Technician)

The Water Quality Analytical Chemist job family primarily engages in three major categories of work activities: (1) **Laboratory Work**, (2) **Maintaining Records and Data Entry** and (3) **Field Work**. These work activity categories and their essential function physical requirements are described below.

1) **Laboratory work** entails testing water samples and calculating and interpreting lab values and test results to detect possible hazards or abnormalities in the water. Performs analytical tests, which include tests for chloroforms and by-products of Chlorine, compounds and halo acetic acid. Utilizes test equipment including Gas chromatography-mass spectroscopy (**GC-MS**), Organic Carbon Analyzer and Vortex Genie machine. (Shaker). The Lab Technician is responsible for reporting abnormalities to the Senior Analytical Chemist and following policies and procedures based on the abnormal readings.

Stands at Lab workbenches for extended periods of time to perform lab testing of water samples.

Mixes small amounts of water samples with reagents in test tubes, sample bottles, beakers and Petri dishes using droppers and pipettes. Visually observes and records changes to samples.

Erie County Water Authority  
Job Analysis/Physical Requirements Job Description  
Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician  
(Environmental Chemistry)

Places small amounts of water samples in analyzer machines, to perform automated testing. Observes and records equipment digital (display) readings.

Walks through Lab (a total area of approximately 8,000 square feet) and reaches at, above, or below shoulder level to access and restock supply cupboards. Supplies typically weigh 5 lbs or less (e.g., test tubes, reagents, trays, paper towels, etc.).

Approximately once every 2-3 months tanks of helium or compressed nitrogen in the lab need to be replaced. The replacement tank, which weighs approximately 100 pounds and is stored in the lab, is rolled on end into place a short distance of approximately 2-3 feet.

**Physical Requirements: Standing for extended periods of time** while conducting lab tests at workbench, **Walking** (through Lab to stock and access supplies), **Reaching at, above, and below shoulder level** (to perform lab tests, access supplies), **Fine finger grasping, gripping and manipulation** (Including manipulation of small items (e.g. test tubes, droppers, etc.)), **Visual acuity and color discrimination** (e.g., to visualize and interpret changes to water samples after addition of reagents and reading of test instrument displays) **Pulling and pushing exerting up to 30 pounds of force rarely** (to roll replacement helium or nitrogen tanks into place- done approximately once every 2 -3 months) .

2) **Maintaining records.** (This activity comprises approximately 50 percent of an 8 hour shift.) Manually records test results by writing in logbook or entering test results data into computer. Visually observes changes to samples, indicating test results and records results in logbook or computer data bank. Obtains sample analysis data from computer programs.

**Physical Requirements: Writing, entry of data into computer, Visual acuity** for use of computer monitor. **Walking, standing, sitting, gross and fine hand motor skills including: keystrokes to operate computer. Cognitive requirements include reading computer screen, reading printed and written data and material, interpreting data.**

3) **Field Work** occurs approximately 4 hours per shift, once a week for the Analytical Chemist and the Lab Technician and 4 hours per month for the Senior Analytical Chemist and involves driving to various sites including commercial customer sites and Water Authority pump stations to collect water samples for random testing.

Lifts and carries sample tool bag, including test equipment, and cooler of sample containers (test tube sized) from car to sample collection site or pumping station. The cooler and tool bag each weigh **no more than 10 pounds**

Opens gates and door to enter pump stations (using force of no more than 10 pounds) Works at or below waist level to access faucet to collect water samples.

Cleans faucets with bleach prior to collecting samples to prevent contamination of samples. Turns on faucets and collects water samples in sample containers for testing.

Performs field tests at table or at floor level including tests for chlorine, temperature, PH and turbidity. Manually performs tests or tests samples using automated test equipment (turbidometer and colorimeter)

For manual testing of samples, adds reagents to filled sample containers, using a dropper. Visually observes and records changes to samples, indicating test results, in logbook.

Erie County Water Authority  
Job Analysis/Physical Requirements Job Description  
Analytical Chemist (Water Quality), Senior Analytical Chemist (Water Quality), Lab Technician  
(Environmental Chemistry)

For automated testing, places filled sample container in test equipment fixture. Observes and records equipment digital (display) reading in log book

Manually documents findings in log and labels sample bottles.

Following field collection and testing at sample collection sites, drives to return to Lab.  
Carries the cooler, full of filled sample containers, weighing **no more than 10 pounds** from the car to the lab, an approximate distance of 60 – 100ft.

**Physical Requirements: Standing, Walking, Lifting up to 10 lbs** (i.e., cooler, full of filled sample containers), **Pulling and pushing exerting up to 10 pounds of force** (opening gates and doors of pump stations), **Working at or below waist level** (to access faucet to collect water samples), **Crouching and stooping** (to perform field tests at floor level), **Grasping, gripping, wrist torque, fine motor manipulation** (e.g., opening sample bottles, cleaning faucet), **Visual acuity and color discrimination** (e.g., to observe and record test results), **Sitting, eye-hand, foot coordination** (e.g., for driving), **Climbing of stairs** (required to access test sites at some pumping stations)

**Potential Accommodations.**

Virtually all of the essential function job tasks characterizing the Water Quality Analytical Chemist job family are **Light** in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by exerting “a negligible amount of force” (i.e., under 10 pounds) continuously and 10-20 lbs. of force occasionally, and requirement of walking and standing to a significant degree. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

There is, however, a single job task whose physical requirements exceed the **Light** category. This job task involves the replacement once every 2-3 months of 100 pound tanks of helium or compressed nitrogen in the lab which requires pulling and pushing exerting up to 30 pounds of force, to roll replacement the tanks into place. This task, since it occurs only every 2-3 months, could be handled by another employee, if necessary, to accommodate an individual with lifting restrictions preventing work beyond the **Light** physical demand category.



ECWA  
Physical Requirements Job Description  
Auto Mechanic, Auto Mechanic Crew Chief

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

• Bend	Continuously
• Stand	Continuously
• Sit	Frequently
• Walk	Continuously
• Balance	Frequently
• Stoop	Continuously
• Squat	Frequently
• Twisting	Frequently
• Kneeling	Frequently
• Use of Hands (simple grasp)	Continuously
• Use of Hands (gripping)	Continuously
• Use of Hands (fine motor manipulation)	Continuously
• Lift Under ten pounds	Continuously
• Lift 10-20 pounds	Frequently
• Lift 20-30 pounds	Occasionally
• Lift 30-40 pounds	Occasionally
• Lift 40-50 pounds	Occasionally
• Lift over 50 lbs.	Occasionally
• Carry under 10 pounds	Continuously
• Carry 10-20 pounds	Frequently
• Carry 20-30 pounds	Occasionally
• Carry 30-40 pounds	Occasionally
• Carry 40-50 pounds	Occasionally
• Carry over 50 lbs.	Occasionally
• Push/Pull under ten pounds	Frequently
• Push/Pull 10-20 pounds	Frequently
• Push/Pull 20-30 pounds	Occasionally
• Push/Pull 30-40 pounds	Occasionally
• Push/Pull 40-50 pounds	Occasionally
• Push/Pull over 50 pounds	Occasionally
• Reach above shoulder	Frequently
• Reach at shoulder	Frequently
• Reach below shoulder	Frequently
• Rotation of head	Frequently
• Walk on uneven surfaces	Continuously

ECWA  
Physical Requirements Job Description  
Auto Mechanic, Auto Mechanic Crew Chief

**Environmental Work Conditions**

- Exposure to uneven work surfaces
- Exposure to standing and running water (Working on leaks)
- Exposure to loud noise of machinery (welder and grinder, air powered tools)
- Exposure to foul odors (diesel gas, paint, paint thinner)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (Pain Thinner)
- Exposure to electric shock hazard (working on electrical systems)
- Exposure to mechanical moving parts hazard
- Exposure to ergonomic factors (e.g. holding body in awkward positions for extended periods of time to access and repair engine parts, heavy lifting)
- Exposure to all weather conditions. (e.g., during performance of field repairs on vehicles and equipment)
- Exposure to vibration (during operation of power and pneumatic tools)
- Exposure to dust

**Safety Equipment**

- Steel toed safety shoes
- Gloves
- Safety glasses
- Hearing protection with welding and grinding
- Welding mask with welding and grinding
- Hard hats
- Rain gear

**Job Summary**

The job classifications of Auto Mechanic / Auto Mechanic Crew Chief are **Medium - Heavy** based upon requirements for exerting over 50 lbs. of force occasionally and /or up to 10 lbs. of force frequently (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Crew Chief is primarily responsible for supervising the work of the Auto Mechanic family, the Crew Chief may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Auto Mechanics)

The Auto Mechanic / Auto Mechanic Crew Chief primarily engages in two major categories of work activities: (1) **Office Work** and (2) **Hands On Auto Mechanic Work**

ECWA  
Physical Requirements Job Description  
Auto Mechanic, Auto Mechanic Crew Chief

- 1.) Office Work is performed exclusively by the Crew Chief.** This entails tracking and ordering supplies to replenish supply inventory, preparing appropriate documentation to set up vendor accounts.

The Crew Chief also supervises and organizes the work of Auto Mechanics in areas such as: assignment of work, use and maintenance of tools and equipment and safety procedures.

**Physical Requirements include:** Periods of standing and walking, Reaching at or below waist level, Reaching at or above shoulder level; Fine motor skills to include writing and typing on a computer keyboard. Visual acuity to read computer monitor. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation.

- 2.) Hands on Auto Mechanic Work** entails repairs and routine maintenance of a fleet of 130 vehicles including: cars, trucks, vans, and heavy equipment. Repairs include: performing major engine repairs, transmission work, repair of brake systems and vehicle's electrical systems. Routine maintenance includes changing fluids (e.g., oil, coolant, hydraulic fluid) and tire change and repair.

Auto Mechanics use a variety of tools in the performance of maintenance and repair of vehicles and equipment, including: power tools such as pneumatic wrenches to remove bolts quickly, the use of a sledgehammer weighing approximately 20 pounds for body work and fabrication, machine tools such as lathes and grinding machines to rebuild brakes and other parts; welding equipment for fabrication of bumpers, truck steps and other parts; common hand tools such as screwdrivers, pliers, and wrenches to work on small parts and get at hard-to-reach places; and jacks and hoists to lift and move large parts. The mechanic may also use a variety of diagnostic testing equipment, including multimeters when working on electrical systems and electronic components; and tachometers, dynamometers, and engine analyzers to locate engine malfunctions.

Work is carried out in a noisy, dusty indoor environment. The environment temperature varies as garage door is continuously being opened and closed. Exposure to noise, dust and fumes is constant. Environment is hazardous due to patchy wet floors and materials lying on the floor including tools and extension cords.

**Physical Requirements include:** Constant standing and walking including standing in one place for an extended period of time (e.g., while performing a specific maintenance or repair task.) Bending, stooping crouching and holding the body in awkward positions sometimes for extended periods of time, in order to gain access to hard to reach vehicle

or equipment parts requiring repair or replacement. Climbing (e.g., in and out of truck cabs, onto equipment to reach areas to repair). Reaching at or below waist level and at or above shoulder level. Upper body strength (e.g., use of sledgehammer for body work) the

ECWA  
Physical Requirements Job Description  
Auto Mechanic, Auto Mechanic Crew Chief

application of torque and fine manipulation (use of wrenches, screwdrivers, and other hand tools to remove bolts and disassemble parts and mechanisms) are part of the position's physical requirements.

The Auto Mechanic may be required to lift and carry up to 50 lbs. alone or with the assistance of another Mechanic. Handling and movement of very heavy parts and equipment such as removing engines and transmissions weighing up to 500 pounds is accomplished using a manually operated portable crane or jack. The crane or jack must be wheeled into place, chains need to be connected to the part or equipment to be lifted or moved and the crane or jack is operated through repetitive pumping (jack) or cranking (crane).

The Mechanic may be called out for on-the-spot, field based repairs of disabled vehicles. These calls occur an average of two to three times a week and their frequency increases during the winter months. During the performance of field based repairs, the Mechanic may be exposed to ambient weather conditions (e.g., cold, rain, snow, etc.)

**Potential Accommodations.**

Virtually all of the essential function job tasks characterizing the Auto Mechanic Worker job family are “**Medium - Heavy**” in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by requirements for exerting over 50 lbs. of force occasionally and /or up to 10 lbs. of force frequently. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

Erie County Water Authority  
Physical Requirements Job Description  
Control Operator, Control Operator Crew Chief

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

• Bend	Frequently
• Stand	Frequently
• Sit	Frequently
• Walk	Frequently
• Balance	Frequently
• Stoop	Frequently
• Squat	Frequently
• Twisting	Frequently
• Kneeling	Frequently
• Use of Hands (simple grasp)	Frequently
• Use of Hands (gripping)	Frequently
• Use of Hands (fine motor manipulation)	Frequently
• Lift Under ten pounds	Frequently
• Lift 10-20 pounds	Occasionally
• Lift 20-30 pounds	Occasionally
• Lift 30-40 pounds	Occasionally
• Lift 40-50 pounds	Occasionally
• Lift over 50 lbs.	Occasionally
• Carry under 10 pounds	Frequently
• Carry 10-20 pounds	Occasionally
• Carry 20-30 pounds	Occasionally
• Carry 30-40 pounds	Occasionally
• Carry 40-50 pounds	Occasionally
• Carry over 50 lbs.	Occasionally
• Push/Pull under ten pounds	Frequently
• Push/Pull 10-20 pounds	Occasionally
• Push/Pull 20-30 pounds	Occasionally
• Push/Pull 30-40 pounds	Occasionally
• Push/Pull 40-50 pounds	Occasionally
• Push/Pull over 50 pounds	Occasionally
• Reach above shoulder	Occasionally
• Reach at shoulder	Occasionally
• Reach below shoulder	Frequently
• Rotation of head	Frequently
• Walk on uneven surfaces	Frequently

Erie County Water Authority  
Physical Requirements Job Description  
Control Operator, Control Operator Crew Chief

**Environmental Work Conditions**

- Exposure to all weather conditions
- Exposure to uneven work surfaces
- Exposure to standing and running water
- Exposure to loud noise of machinery (Pump Room)
- Exposure to foul odors (Bleach)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (Bleach)
- Exposure to confined spaces.
- Exposure to electric shock hazard.
- Exposure to mechanical moving parts hazard
- Exposure to biological hazards.(Bleach)
- Exposure to ergonomic factors (e.g heavy lifting, work in awkward positions.)

**Safety Equipment**

- Steel toed safety shoes
- Gloves
- Safety glasses / eye protection
- Hearing protection
- Dust mask (when sweeping)
- Chemical respirator (For Chlorine)
- Hard hats
- Rain gear

**Job Summary**

The physical demand level of the Control Operator job family (job classifications: Control Operator, Crew Chief,) would be classified as **Medium - Heavy** based upon requirements for exerting over 50 lbs. of force occasionally and /or up to 10 lbs. of force frequently (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Crew Chief is primarily responsible for supervising the work of the Control Operator job family, the Crew Chief may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Control Operators.

The Control Operator job family primarily engages in three major categories of work activities: (1) **Control Board Operation** (2) **Pump Station Maintenance and Repair** and (3) **General Pump Station Housekeeping and Maintenance**. These work activity categories and their attendant essential function physical requirements are described below.

Erie County Water Authority  
Physical Requirements Job Description  
Control Operator, Control Operator Crew Chief

(1) **Control Board Operator:** This category of work is performed by the Control Operator an average of one shift (work day) per week. The Control Operator monitors several computers located at the Union Road Service Center, which control system operations (e.g., water flow) for pumping stations and water tanks located throughout Erie County. The Operator inputs and retrieves data regarding the water system's operations through keyboard entry. The Operator identifies the location and nature of water system malfunctions through reading, analyzing, and interpreting data including computer screen displays and printed reports.

Operators also monitor and respond immediately to system alarms, indicating equipment or process malfunctions at specific points in the water distribution system, which could affect the system's overall operation. Operator response to alarms includes reading and interpreting computer screens and data and inputting data or commands into the computer to diagnose or correct the malfunction.

Operators also monitor security equipment including security cameras and alarms, located throughout the water distribution system, to monitor entry and exit to water system facilities (e.g., pumping stations) and insure system security.

Operators also monitor the location of ECWA vehicles and personnel, and communicate with personnel, through the use of the telephone and radio, for security reasons and to determine the availability of personnel needed to perform system maintenance, repairs, and related tasks.

**Physical Requirements: Extended periods of sitting, fine motor movements** to include typing on computer keyboard, use of computer mouse, operating controls, including switches and push buttons. **Visual acuity** to view or read computer monitor and security monitors. Ability to read and interpret data per established standards. Ability to follow established emergency procedures. Ability to exercise judgment in responding to and reporting emergency situations.

(2) **Pump Station Maintenance and Repair:** This category of work is performed by the Control Operator an average of 3-5 shifts (work days) per week

Control Operators participate in maintenance and repair activities of equipment and machinery at numerous pump stations as assigned. Maintenance and repair includes both routine and scheduled maintenance as well as, emergency equipment repairs.

Loads power and hand tools weighing up to 50 lbs.(e.g., Impact Wrench) into ECWA transport vehicles, to transport to work site.

Work in two person teams to dismantle for transport, load onto ECWA vehicle, and reassemble Gantry Crane at work site, as required. Lifts, carries, and assembles steel I beam crane components weighing up to 50 lbs. Uses hand tools and spring loaded steel locking pins to assemble and adjust crane height.

Drives ECWA vehicle to pump station sites.

Disassembles, inspects and repairs pumps and motors up to 1500HP, Electric Check Valves, Altitude Valves and other pump station equipment as assigned.

Erie County Water Authority  
Physical Requirements Job Description  
Control Operator, Control Operator Crew Chief

Uses wrenches to remove large bolts from valve lids. Lifts and removes valve lids weighing up to 100 lbs. with the assistance of a co-worker. Visually checks seals on valve pistons for leaks or erosion. Uses hand tools to replace motor, pump and valve parts and perform on-site repairs.

May use chain falls or Gantry Crane to lift and/or move pump motors or valves weighing up to 15 tons, for disassembly or transport for off-site repairs.

Cleans and paints pump station tanks and equipment as directed. Uses ladders and stepladders to access tanks for painting or cleaning, carrying paint bucket weighing approximately 10 lbs.

**Physical Requirements: Manually lifts and carries tools, equipment and parts weighing up to 50 lbs. (e.g., Gantry Crane components, impact wrenches, etc.) alone and up to 100 lbs (e.g., valve lids) with the assistance of a co-worker. Pushes, pulls and exerts force to manually operate chain falls and Gantry Crane to lift and move heavy parts and equipment weighing 5 – 15 tons (Note: lifting and moving of heavy objects using cranes is accomplished with 2 person teams). Frequently works at, below or above waist level, crouches and stoops and is required to work in awkward positions, sometimes for extended periods of time, to perform equipment maintenance and repairs. Climbs stairs and step ladders to access tanks for cleaning and painting. Grasping, gripping, wrist torque, fine motor manipulation** using small hand tools.

**(3) General Pump Station Housekeeping and Maintenance:** These tasks involve the operator snow plowing and shoveling all Pump Stations and Tank sites, working with and directing summer help in cleaning, painting and miscellaneous maintenance. Assisting contractors and utility personnel, performing landscaping maintenance such as tree, brush, and grass cutting that has not been performed by other personnel.

Routine maintenance also involves tasks such as: snow removal on sidewalks with snow blower and shovel, and driving and operating plow for driveways and parking lots; salt application during the winter months as needed. Operators may operate backhoe to accomplish certain maintenance tasks, requiring driving and repetitive use of hands and feet to operate controls.

**Physical Requirements:** Operation of EWCA vehicle to plow snow. Use of various gardening tools such as lawn movers, shears and tree trimmers. **Working at heights and climbing ladders** for tree work and painting. **Fine motor movements of hands** (e.g. grasping, gripping, and turning) are required for using tools and operating vehicles. **Exposure to loud (machine) noises** e.g. lawn mowers; **Use of vibrating machinery** including: snow blowers.

**Potential Accommodations.**

A considerable portion of the Control Operator job duties involve maintenance and repair activities which require routine lifting of up to 50 lbs. individually or in 2 person teams. These duties and their attendant physical requirements cannot be modified without altering a fundamental component of the job's function and purpose.



**ECWA**  
**Physical Requirements Job Description**  
**Diesel Mechanic, Pump Mechanic and Pump Mechanic Crew Chief**

**Job Titles:** Diesel Mechanic, Pump Mechanic, Diesel/Pump Mechanic Crew Chief.

**Education/Certification:** All Pump/Diesel Mechanics require Class A CDL license.

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Bend</li> <li>• Stand</li> <li>• Sit</li> <li>• Walk</li> <li>• Balance</li> <li>• Stoop</li> <li>• Squat</li> <li>• Twisting</li> <li>• Kneeling</li> <li>• Use of Hands (simple grasp)</li> <li>• Use of Hands (gripping)</li> <li>• Use of Hands (fine motor manipulation)</li> <li>• Lift Under ten pounds</li> <li>• Lift 10-20 pounds</li> <li>• Lift 20-30 pounds</li> <li>• Lift 30-40 pounds</li> <li>• Lift 40-50 pounds</li> <li>• Lift over 50 lbs.</li> <li>• Carry under 10 pounds</li> <li>• Carry 10-20 pounds</li> <li>• Carry 20-30 pounds</li> <li>• Carry 30-40 pounds</li> <li>• Carry 40-50 pounds</li> <li>• Carry over 50 lbs.</li> <li>• Push/Pull under ten pounds</li> <li>• Push/Pull 10-20 pounds</li> <li>• Push/Pull 20-30 pounds</li> <li>• Push/Pull 30-40 pounds</li> <li>• Push/Pull 40-50 pounds</li> <li>• Push/Pull over 50 pounds</li> <li>• Reach above shoulder</li> <li>• Reach at shoulder</li> <li>• Reach below shoulder</li> <li>• Rotation of head</li> <li>• Walk on uneven surfaces</li> </ul> | <ul style="list-style-type: none"> <li>Continuously</li> <li>Continuously</li> <li>Occasionally</li> <li>Frequently</li> <li>Occasionally</li> <li>Occasionally</li> <li>Frequently</li> <li>Occasionally</li> <li>Frequently</li> <li>Continuously</li> <li>Continuously</li> <li>Continuously</li> <li>Continuously</li> <li>Frequently</li> <li>Frequently</li> <li>Occasionally</li> <li>Occasionally</li> <li>Rarely</li> <li>Continuously</li> <li>Frequently</li> <li>Frequently</li> <li>Occasionally</li> <li>Occasionally</li> <li>Rarely</li> <li>Frequently</li> <li>Frequently</li> <li>Frequently</li> <li>Occasionally</li> <li>Occasionally</li> <li>Rarely</li> <li>Frequently</li> <li>Frequently</li> <li>Frequently</li> <li>Frequently</li> <li>Continuously</li> </ul> |
|--|--|

**ECWA**  
**Physical Requirements Job Description**  
**Diesel Mechanic, Pump Mechanic and Pump Mechanic Crew Chief**

**Environmental Work Conditions**

- Exposure to uneven work surfaces
- Exposure to standing and running water (Working in pump stations)
- Exposure to loud noise of machinery (welder and grinder, air powered tools)
- Exposure to foul odors (diesel gas, paint)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (Spray paint)
- Exposure to electric shock hazard (working on generators, pumps)
- Exposure to mechanical moving parts hazard
- Exposure to ergonomic factors (e.g. holding body in awkward positions for extended periods of time to access and repair pumps, heavy lifting)
- Exposure to all weather conditions. (e.g. during performance of field repairs on pump stations and pipe lines)
- Exposure to vibration (during operation of power and pneumatic tools)
- Exposure to dust
- Exposure to heights (working on water tanks)

**Safety Equipment**

- Steel toed safety shoes
- Gloves
- Safety glasses
- Hearing protection with welding and grinding
- Welding mask with welding and grinding
- Hard hats
- Rain gear
- Dust masks
- Safety harness when working at heights

**Job Summary**

The job classifications of Diesel Mechanic / Pump Mechanic, Diesel/Pump Mechanic Crew Chief are **Medium – Heavy** based upon requirements for exerting up to 75 lbs. rarely, 20 – 50 lbs. of force occasionally and /or up to 10 - 25 lbs. of force frequently (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Crew Chief is primarily responsible for supervising the work of the Diesel/Pump Mechanic family, the Crew Chief may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Diesel/Pump Mechanics)

The Diesel/Pump Mechanic and Pump Mechanic Crew Chiefs primarily engage in three major categories of work activities: (1) **Office Work** (2) **Hands on Pump Mechanic Work** and (3) **Hands on Diesel Mechanic Work**.

**ECWA**  
**Physical Requirements Job Description**  
**Diesel Mechanic, Pump Mechanic and Pump Mechanic Crew Chief**

- 1.) **Office Work is performed exclusively by the Crew Chief.** This entails planning and ordering supplies to complete job tasks, preparing appropriate documentation to set up vendor accounts, coordinate bids on supplies and working closely with state contract vendors. Drives to pick up supplies required for job assignments.

The Crew Chief also supervises and organizes the work of Diesel/Pump Mechanics in areas such as: assignment of work, use and maintenance of tools and equipment and safety procedures.

**Physical Requirements include:** Periods of standing and walking, Reaching at or below waist level and at or above shoulder level (e.g., while accessing and purchasing supplies from vendor stock.) Fine motor skills to include writing and typing on a computer keyboard. Visual acuity to read computer monitor. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation. Eye, hand, foot coordination (e.g., required for driving) Periods of sitting while driving to and from job site and supply vendors.

- 2.) **Hands on Pump Mechanic Work** entails repairs and routine maintenance of 2 water treatment plants and 24 pump stations. Repairs include: performing pump repairs, pipe work, pipe and pump replacement, repair of pump station building and structures including roofing and exterior building repairs.

Diesel/Pump Mechanics use a variety of tools in the performance of maintenance and repair of pumps and equipment, including: power tools such as pneumatic wrenches to remove bolts quickly, the use of a sledgehammer weighing 16 pounds for pipe fitting, machine tools such as welders and grinding machines to repair bricks and other parts; welding equipment for fabrication of pipe fittings, step rails and other parts; common hand tools such as screwdrivers, pliers, and wrenches to work on small parts and get at hard-to-reach places; cranes, backhoes and Bobcats to lift and move large parts.

Work in two person teams to dismantle for transport, load onto ECWA vehicle, and reassemble Gantry Crane at work site, as required. Lifts, carries, and assembles steel I beam crane components weighing up to 50 lbs. Uses hand tools and spring loaded steel locking pins to assemble and adjust crane height.

Work is carried out either in a noisy, indoor environment such as pump stations or outside exposed to the elements (e.g., cold, rain, snow, etc.). Exposure to noise, dust and fumes. Environment at the pump stations are hazardous due to patchy wet floors and materials lying on the floor including tools and extension cords.

**Physical Requirements include:** Constant standing and walking including standing in one place for an extended period of time (e.g., while performing a specific maintenance or repair task.) Bending, stooping crouching and holding the body in awkward positions sometimes for extended periods of time, in order to gain access to hard to reach pump or pipe parts requiring repair or replacement. Climbing (e.g., in and out of truck cabs, onto roofs and water tanks to reach areas to repair or replace, sometimes at heights requiring the use of a safety harness). Reaching at or below waist level and at or above shoulder level. Upper body strength (e.g., use of sledgehammer or hammer and chisel for repair work), use of shovels while laying pipe lines, the application of torque and fine finger manipulation (use of wrenches, screwdrivers, and other hand tools to remove bolts and disassemble parts and mechanisms) are part of the position's physical requirements.

**ECWA**  
**Physical Requirements Job Description**  
**Diesel Mechanic, Pump Mechanic and Pump Mechanic Crew Chief**

The Pump Mechanic may be required to lift and carry up to 50 lbs (e.g., crane I beam components) alone or with the assistance of another Mechanic. Handling and movement of very heavy parts and equipment such as removing pumps and pipes weighing up to maximum 10,000 pounds (Pump Motor) is accomplished using a manually operated portable crane, chain falls or Bobcat. The crane must be wheeled into place, chains need to be connected to the part or equipment to be lifted or moved and the crane is operated through repetitive manual cranking.

- 3.) Hands on Diesel Mechanic Work.** These duties are performed exclusively by the Diesel Mechanic however the Diesel Mechanic may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Pump Mechanics. This work entails repair and maintenance of 11 mobile and stationary (power) generators including routine maintenance includes changing fluids (e.g., oil, air filters etc). The Diesel Mechanic may be required to drive a pickup truck or tractor/trailer to move generators to various pump stations and treatment plant locations, when they are required to generate back-up power.

**Physical Requirements include:** Constant standing and walking including standing in one place for an extended period of time (e.g., while performing a specific maintenance or repair task.) Bending, stooping crouching and holding the body in awkward positions sometimes for extended periods of time, in order to gain access too hard to reach generator or parts requiring repair or replacement. Climbing (e.g., in and out of truck cabs, onto trailers to gain access to generators) Reaching at or below waist level and at or above shoulder level. Upper body strength (e.g. lifting and pulling generators cables weighing up to 75 pounds) the application of torque and fine finger manipulation (use of wrenches, screwdrivers, and other hand tools to remove bolts and disassemble parts and mechanisms) are part of the position's physical requirements. Eye, hand, foot coordination and periods of sitting while driving to and from off site locations as well as delivering generators to pump stations as required.

**Potential Accommodations**

Virtually all of the essential function job tasks characterizing the Diesel Mechanic/Pump Mechanic job family are “**Medium -Heavy**” in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by requirements for exerting up to 75 pounds of force rarely, 20 – 50 lbs. of force occasionally and /or up to 10 - 25 lbs. of force frequently. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

ECWA  
Physical Requirements Job Description  
File Clerk

**Job Titles:** File Clerk

**Hours of Work:** Monday through Friday 8-00am – 4.30pm

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

- |  |              |
|--|--------------|
| • Bend                                   | Frequently   |
| • Stand                                  | Frequently   |
| • Sit                                    | Frequently   |
| • Walk                                   | Frequently   |
| • Balance                                | Occasionally |
| • e Stoop                                | Rarely       |
| • Squat                                  | Occasionally |
| • Twisting                               | Rarely       |
| • Kneeling                               | Occasionally |
| • Use of Hands (simple grasp)            | Continuously |
| • Use of Hands (gripping)                | Continuously |
| • Use of Hands (fine motor manipulation) | Continuously |
| • Lift Under ten pounds                  | Frequently   |
| • Lift 10-20 pounds                      | Occasionally |
| • Lift 20-30 pounds                      | Rarely       |
| • Lift 30-40 pounds                      | Never        |
| • Lift 40-50 pounds                      | Never        |
| • Lift over 50 lbs.                      | Never        |
| • Carry under 10 pounds                  | Frequently   |
| • Carry 10-20 pounds                     | Occasionally |
| • Carry 20-30 pounds                     | Rarely       |
| • Carry 30-40 pounds                     | Never        |
| • Carry 40-50 pounds                     | Never        |
| • Carry over 50 lbs.                     | Never        |
| • Push/Pull under ten pounds             | Frequently   |
| • Push/Pull 10-20 pounds                 | Frequently   |

ECWA  
Physical Requirements Job Description  
File Clerk

- |                            |              |
|----------------------------|--------------|
| • Push/Pull 20-30 pounds   | Rarely       |
| • Push/Pull 30-40 pounds   | Never        |
| • Push/Pull 40-50 pounds   | Never        |
| • Push/Pull over 50 pounds | Never        |
| • Reach above shoulder     | Frequently   |
| • Reach at shoulder        | Frequently   |
| • Reach below shoulder     | Frequently   |
| • Rotation of head         | Occasionally |
| • Walk on uneven surfaces  | Never        |

**Environmental Work Conditions**

- Exposure to ergonomic factors (e.g. Bending and reaching while filing)
- Exposure to trip and fall hazards (e.g. tripping over boxes and pallets)

**Safety Equipment**

- Rubber Gloves while handling old files

**Job Summary**

The job classifications of File Clerk, is Light based upon requirements for exerting up to 20 lbs. of force occasionally (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

The File Clerk primarily engages in three major categories of work activities: (1) Computer Work (2) Filing and (3) Scanning

1.) **Computer Work:** Use of computer on a daily basis to assign cross reference file numbers and track project files.

Receives incoming project documentation and project files and assigns cross reference file number for filing and retrieval of all documentation related to specific project. Enters project number and corresponding file number into computer database.

Maintains and updates computer database regarding contents and location of file cabinets and banker's boxes.

ECWA  
Physical Requirements Job Description  
File Clerk

Retrieves, records and tracks files borrowed or removed from the file room by Authority personnel.

Physical Requirements include: Fine motor skills to include writing and typing on a computer keyboard. Visual acuity to read computer monitor. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation. Periods of sitting while at the computer. Cognitive requirements include ability to interpret and analyze data.

**2.) Filing:** Entails receiving, storing, filing and maintaining files used by Authority employees.

Receives and examines incoming project documentation, including project narrative, drawings and project related correspondence to identify the specific project and project number. Looks up the cross reference file number and file location for the specific project, by accessing the cross reference file number database. Walks to the specific location of the file (file cabinet or banker's box) to place the documentation in the appropriate file.

May be required to lift and move banker's boxes containing older files, weighing up to 20 lbs. May transport banker's boxes containing files, using a two wheeled dolly, to various locations within the 19,000 square foot Union Road facility,.

Occasionally uses a small step stool for climbing to reach files on top of the filing cabinets.

Work is carried out in an indoor environment in the filing room, Environment is temperature controlled. Environment in the filing area is potentially hazardous for trips and falls due to materials lying on the floor including pallets and boxes.

Physical Requirements include: Frequent standing and walking (e.g. retrieving and storing files.) frequent bending, in order to retrieve and store files in metal filing cabinets or shelves. Climbing (e.g. using small step stool, to retrieve files on top of the filing cabinets) requiring Reaching at or below waist level and at or above shoulder level. Upper body strength (e.g. lifting full bankers boxes, 10" x 12" x 15", weighing up to 20 pounds), Periods of sitting while driving to and from Post Office to deliver mail (Union Road location only). Squatting and kneeling to reach bottom draws of filing cabinets.

The File Clerk may be required to lift and carry up to 20 lbs. (full bankers boxes) alone or and also with the use of a 2 wheeled dolly.

ECWA  
Physical Requirements Job Description  
File Clerk

**3.) Scanning** entails using a scanner to produce digital images of documents for storage in computer databases. Documents scanned include: contractor invoices, contractor certificates of insurance, maps (Union Road location only) and postcards for meter reads.

Receives contractor documents including invoices and certificates of insurance and postcards with meter read information completed by customers. Reviews contractor documents to determine associated project number and accesses computer database to determine cross reference file number.

Places documents in scanner and operates scanner to produce digital image of document. Files contractor documentation in appropriate project file.

Receives maps of projects and water line locations. Examines map to determine project number or file number. Determines cross reference file number by accessing computer database. Places map in scanner and operates scanner to produce digital image of document. Files maps in dedicated file cabinet. *(Note this duty is performed by File Clerks at the Union Road Service Center location only)*

Physical Requirements include: Fine motor skills to operate the scanner. Visual acuity to read scanner display screen. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation. Periods of sitting while at the scanner. Bending, in order to store files in filing cabinets. Squatting and kneeling to reach bottom draws of filing cabinets. Frequent standing and walking (e.g. walking in and around building to retrieve and deliver items to be scanned.)

**Potential Accommodations.**

A significant portion of the File Clerk job's physical demands involve activities such as bending, stooping, and reaching at or above shoulder level which are necessary to perform the job's essential functions (i.e., accessing, storing and retrieving files) and cannot, therefore, be modified without changing the essential function and nature of the position.



## ECWA

### **Physical Requirements Job Description Assistant Instrumentation, Electrical and Electronics Technician / Instrument Electrical and Electronics Technician / Electronics Technician / Instrument Electrical and Electronics Chief Technician / Electrical Engineer**

#### **Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

• Bend	Continuously
• Stand	Continuously
• Sit	Frequently
• Walk	Frequently
• Balance	Occasionally
• Stoop	Occasionally
• Squat	Occasionally
• Twisting	Frequently
• Kneeling	Occasionally
• Use of Hands (simple grasp)	Continuously
• Use of Hands (gripping)	Continuously
• Use of Hands (fine motor manipulation)	Continuously
• Lift Under ten pounds	Continuously
• Lift 10-20 pounds	Occasionally
• Lift 20-30 pounds	Occasionally
• Lift 30-40 pounds	Occasionally
• Lift 40-50 pounds	Occasionally
• Lift over 50 lbs.	Rarely
• Carry under 10 pounds	Continuously
• Carry 10-20 pounds	Occasionally
• Carry 20-30 pounds	Occasionally
• Carry 30-40 pounds	Occasionally
• Carry 40-50 pounds	Occasionally
• Carry over 50 lbs.	Rarely
• Push/Pull under ten pounds	Frequently
• Push/Pull 10-20 pounds	Frequently
• Push/Pull 20-30 pounds	Frequently
• Push/Pull 30-40 pounds	Rarely
• Push/Pull 40-50 pounds	Rarely
• Push/Pull over 50 pounds	Rarely
• Reach above shoulder	Frequently
• Reach at shoulder	Frequently

## ECWA

### **Physical Requirements Job Description Assistant Instrumentation, Electrical and Electronics Technician / Instrument Electrical and Electronics Technician / Electronics Technician / Instrument Electrical and Electronics Chief Technician / Electrical Engineer**

- Reach below shoulder Frequently
- Rotation of head Continuously
- Walk on uneven surfaces Occasionally

#### **Environmental Work Conditions**

- Exposure to uneven work surfaces
- Exposure to standing and running water (Working in pump stations)
- Exposure to loud noise of machinery (Working in pump room)
- Exposure to foul odors (Chlorine)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (Fluoride, Caustic Soda)
- Exposure to electric shock hazard (working on control panels)
- Exposure to ergonomic factors (e.g. holding body in awkward positions for extended periods of time to access and repair instruments on pumps)
- Exposure to all weather conditions. (e.g. during performance of field repairs at pump stations)
- Exposure to heights (working on water tanks)
- Exposure to confined spaces (working in pits)

#### **Safety Equipment**

- Steel toed safety shoes
- Gloves
- Safety glasses
- Hearing protection
- Hard hats
- Rain gear
- Air Samplers (used in confined spaces such as the pits)

#### **Job Summary**

The job classifications of Assistant Instrumentation, Electrical and Electronics Technician, Instrument Electrical and Electronics Technician, Electronics Technician, Instrument Electrical and Electronics Chief Technician, Electrical Engineer are **Medium** based upon requirements for exerting up to 20-50 lbs of force occasionally (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Electrical Engineer is primarily responsible for supervising the work of the Instrumentation Technician job family, the Electrical Engineer may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by the Instrumentation Technician)

## ECWA

### **Physical Requirements Job Description Assistant Instrumentation, Electrical and Electronics Technician / Instrument Electrical and Electronics Technician / Electronics Technician / Instrument Electrical and Electronics Chief Technician / Electrical Engineer**

The Assistant Instrumentation, Electrical and Electronics Technician, Instrument Electrical and Electronics Technician, Electronics Technician, Instrument Electrical and Electronics Chief Technician, Electrical Engineer primarily engage in two major categories of work activities: (1) **Computer Work** (2) **Hands on Instrumentation Technician/Electrical Engineer work**

- 1.) Computer Work is performed on a daily basis** and entails use of computer software for circuit design and programming of programmable logic controllers (PLC's) and programmable (software) interfaces. The job family also performs on-site reading and calibration of instrumentation such as water level transmitters, as well as flow and pressure transmitters.

Instrumentation Technicians and Electrical Engineers travel to 60 Pump stations and 2 water treatment plants to perform on-site reading and calibration of instruments and programming of PLC's. The job family also utilizes computer software (e.g., AutoCAD) to design piping and PLC layouts and Motor Control Circuits, and to program PLC's (Programmable Logic Controllers) and programmable interfaces (Software)

The Electrical Engineer is exclusively responsible for paying invoices and managing purchase orders.

**Physical Requirements include:** Periods of standing and walking, Reaching at or below waist level (to read control panels and calibrate instruments), using the computer in the field. Fine motor skills to include writing and typing on a computer keyboard. Visual acuity to read computer monitor. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation. Periods of sitting while at the computer, and while driving to various work sites.. Eye, hand, foot coordination (for driving to various work sites) Cognitive requirements include ability to interpret and analyze data.

- 2.) Hands on instrumentation Technician/Electrical Engineer work** entail's performance of on-site repairs and routine maintenance of instrumentation at 2 water treatment plants and 60 pump stations.

Instrumentation Technicians and Electrical Engineers use a variety of tools in the performance of maintenance and repair of instruments, including: common hand tools such as screwdrivers, pliers, and wrenches to work on small parts and get at hard-to-reach places. Voltage and current meters are also used to trouble shoot and repair control panels and instruments.

The Instrumentation Technician and Electrical Engineer may be required to lift and carry parts up to 50 lbs. (Batteries, Motor Starters) alone or with the assistance of another Technician. Handling and movement of very heavy parts and equipment such as batteries and Motor Control Cabinets weighing up to maximum 150 pounds is accomplished by 2

## ECWA

### **Physical Requirements Job Description Assistant Instrumentation, Electrical and Electronics Technician / Instrument Electrical and Electronics Technician / Electronics Technician / Instrument Electrical and Electronics Chief Technician / Electrical Engineer**

individuals with the aide of a forklift. Periods of sitting are required while driving to and from off site locations. Carries tool box (weighing 30 – 40 lbs) and test equipment to job site.

Work is carried out either in a noisy, indoor environment such as pump stations or outside exposed to the elements (e.g., cold, rain, snow, etc.). Environment at the pump stations are hazardous due to patchy wet floors and materials lying on the floor including tools and extension cords.

**Physical Requirements include:** Constant standing and walking including standing in one place for an extended period of time (e.g., while performing a specific maintenance or repair task.) Lifting, pushing, pulling carrying up to 50-75 lbs. Bending, stooping crouching and holding the body in awkward positions sometimes for extended periods of time, in order to gain access to hard to reach control panels requiring repair or maintenance. Climbing (e.g., in and out of truck cabs, down ladders into pits and to reach areas to repair or maintain, sometimes at heights requiring the use of a ladder). Reaching at or below waist level and at or above shoulder level (for repairs and to calibrate instruments). Upper body strength (e.g., lifting batteries or wire conduits), the application of torque and fine hand and finger manipulation (use of wrenches, screwdrivers, and other hand tools to remove bolts and disassemble control panels) are part of the position's physical requirements. Periods of sitting while driving to various work sites. Eye, hand, foot coordination (driving to work sites and operating forklift). Cognitive requirements include ability to interpret and analyze data, problem solving, reading meters, linear and abstract reasoning.

#### **Potential Accommodations:**

Virtually all of the essential function job tasks characterizing the Instrument Technician and Electrical Engineer job family are **Medium** in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by exerting 20 – 50 lbs. of force occasionally (up to 1/3 of the work day). It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

**Healthworks**  
**Pre-Employment/Return to Work Screening**  
**Erie County Water Authority**

**Employee Name:**  
**Job Title: Meter Service Worker**

**Date of Screen:**  
**Evaluator:**

Vital Statistics		
<b>DOB:</b>	<b>Height:</b>	<b>Weight:</b>

**Range of Motion**

Upper Extremity	Left	Right	Normal
Shoulder Flexion			0-170°
Shoulder Abduction			0-170°
Shoulder IR			0-80°
Shoulder ER			0-80°
Elbow Flexion			0-130°
Elbow Extension			0°
Wrist Flexion			0-75°
Wrist Extension			0-85°
Finger Flexion			Full Fist
Finger Extension			Flat Hand
Lower Extremity	Left	Right	Normal
Hip Flexion			0-115°
Hip Abduction			0-40°
Knee Flexion			0-120°
Knee Extension			0°
Ankle Dorsiflexion			0-15°
Ankle Plantarflexion			0-40°

**Range of Motion**

Cervical:	Normal	Thoracic:	Normal	Lumbar:	Normal
Flexion:	0-45°	Rotation (R):	Symm (B)	Flexion:	0-60°
Extension:	0-40°	Rotation (L):	Symm (B)	Extension:	0-30°
Rotation:	0-75°			Sideglide (R):	Symm (B)
Sidebending:	0-45°	Symm = symmetrical		Sideglide (L):	Symm (B)
Retraction:					

Posture Assessment		
Protruded Head: Rounded Shoulders: Cervical Lordosis:	Thoracic Kyphosis: Sitting Posture:	Lumbar Lordosis: Lateral Shift:

Strength Assessment							
Upper Ext.	Left	Right	Normal	Lower Ext.	Left	Right	Normal
Shoulder Flex			5/5	Hip Flex			5/5
Shoulder Abd			5/5	Hip Abd			5/5
Shoulder ER			5/5	Knee Flex			5/5
Shoulder IR			5/5	Knee Ext			5/5
Elbow Flex			5/5	Ankle DF			5/5
Elbow Ext			5/5	Ankle PF			5/5
Wrist Flex			5/5				
Wrist Ext			5/5				

Maximum Grip Strength Test		
Handle Position 2	Left:        lbs.	Right:       lbs.
5 Position Hand Grip Test		
1.	Left:        lbs.	Right:       lbs.
2.	Left:        lbs.	Right:       lbs.
3.	Left:        lbs.	Right:       lbs.
4.	Left:        lbs.	Right:       lbs.
5.	Left:        lbs.	Right:       lbs.

Other Tests	
Neer's Impingement	PROM R/L Shoulder Employee reports -
Tinel's Sign/Phalen's Test	Employee reports -

<b>Maximal Voluntary Isometric Strength (in lbs.)</b>					
<b>Test</b>	<b>Lift 1</b>	<b>Lift 2</b>	<b>Lift 3</b>	<b>Criteria</b>	<b>Met/Not Met</b>
<b>Floor Lift</b>				40 Lbs.	
<b>Leg Lift</b>				40 Lbs.	
<b>High Near Lift</b>				40 Lbs.	
<b>Push</b>				40 Lbs.	
<b>Pull</b>				40 Lbs.	

**Job Specific Functional Tests**

<b>Distance:</b>	<b>Min. Acceptable Weight</b>	<b>BPM</b>	<b>Met/Not Met</b>
<b>Lifting:</b>			
<b>Lift 30 lbs floor to shoulder (meter)</b>	<b>30 lbs. 10reps</b>		
<b>Turning:</b>			
<b>Turn Valves On/Off with wrench</b>	<b>10 reps</b>		
<b>Carry:</b>			
<b>Carry 40 lbs. 20 feet with one hand (tools/meter)</b>	<b>40 lbs. 10 reps.</b>		
<b>Carry 40 lbs. 4 steps (carry tools up/down stairs)</b>	<b>10 reps.</b>		

<b>Treadmill Endurance Test</b>		<b>Aerobic Fitness Score</b>	
<b>Walking Speed(&gt;2 mph)</b>	<b>Heart Rate (BPM)</b>	<b>Predicted VO 2max</b>	<b>PDC Equivalent</b>

**Comments:** Employee instructed in proper lifting techniques and body mechanics.

**Physical Therapist Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Erie County Water Authority Physical Standards & Requirements For  
Microbiologist (Water Quality), Senior Microbiologist (Water Quality) and  
Lab Technician (Environmental Microbiology)**

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

• Bend	Occasionally
• Stand	Frequently
• Sit	Frequently
• Walk	Frequently
• Balance	Never
• Stoop	Occasionally
• Squat	Occasionally
• Twisting	Rarely
• Kneeling	Rarely
• Climbing	Rarely
• Use of Hands (simple grasp)	Continuously
• Use of Hands (gripping)	Continuously
• Use of Hands (fine motor manipulation)	Continuously
• Lift Under ten pounds	Continuously
• Lift 10-20 pounds	Frequently
• Lift 20-30 pounds	Rarely
• Lift 30-40 pounds	Rarely
• Lift 40-50 pounds	Rarely
• Lift over 50 lbs.	Never
• Carry under 10 pounds	Continuously
• Carry 10-20 pounds	Frequently
• Carry 20-30 pounds	Rarely
• Carry 30-40 pounds	Rarely
• Carry 40-50 pounds	Rarely
• Carry over 50 lbs.	Never
• Push/Pull under ten pounds	Occasionally
• Push/Pull 10-20 pounds	Rarely
• Push/Pull 20-30 pounds	Never
• Push/Pull 30-40 pounds	Never
• Push/Pull 40-50 pounds	Never
• Push/Pull over 50 pounds	Never
• Reach above shoulder	Rarely
• Reach at shoulder	Occasionally
• Reach below shoulder	Frequently
• Rotation of head	Frequently
• Walk on uneven surfaces	Occasionally



# Erie County Water Authority Physical Standards & Requirements For Microbiologist (Water Quality), Senior Microbiologist (Water Quality) and Lab Technician (Environmental Microbiology)

## Environmental Work Conditions

- Exposure to all weather conditions (i.e., during field sample collection)
- Exposure to walking on uneven work surfaces
- Exposure to standing and running water
- Exposure to loud noise of machinery (Pump room)
- Exposure to foul odors (bleach)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (bleach)
- Exposure to electric shock hazard.
- Exposure to biological hazards. (bleach)

## Safety Equipment

- Steel toed safety shoes
- Latex gloves
- Safety glasses
- Hearing protection
- Dust Mask
- Rain Gear
- Lab Coat

## Job Summary

The physical demand level of the Water Quality Microbiologist family (job classifications: Microbiologist – Water Quality, Senior Microbiologist – Water Quality, Lab Technician – Environmental Microbiology) would be classified as **Light** based upon requirements for exerting up to 10 lbs. of force Frequently and /or 10-20 lbs. of force Occasionally (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note: the Senior Microbiologist is primarily the responsibility for supervising the work of the Water Quality job family; however the Senior Microbiologist may be called upon to perform the essential function work tasks described herein, including essential function physical requirements, performed by the Microbiologist and the Lab Technician)

The Water Quality job family primarily engages in two major categories of work activities: (1) **Field Work** and (2) **Laboratory Work**. These work activity categories and their essential function physical requirements are described below.

- 1) **Field Work** entails approximately 4 hours per shift and involves driving to various sites including commercial customer sites and Water Authority pump stations to collect water samples for random testing.

Lifts and carries sample tool bag, including test equipment, and cooler of sample containers (test tube sized) from car to sample collection site or pumping station. The cooler and tool bag each weigh **no more than 10 pounds [Once a quarter, field samples gathered for testing require larger samples (gallon sized containers) with use of a larger cooler weighing no more than 40 pounds.]**

Opens gates and door to enter pump stations (using force of no more than 10 pounds) Works at or below waist level to access faucet to collect water samples.

**Erie County Water Authority Physical Standards & Requirements For  
Microbiologist (Water Quality), Senior Microbiologist (Water Quality) and  
Lab Technician (Environmental Microbiology)**

Cleans faucets with bleach prior to collecting samples to prevent contamination of samples. Turns on faucets and collects water samples in sample containers for testing.

Performs field tests at table or at floor level including tests for chlorine, temperature, PH and turbidity. Manually performs tests or tests samples using automated test equipment (turbidometer and colorimeter)

For manual testing of samples, adds reagents to filled sample containers, using a dropper. Visually observes and records changes to samples, indicating test results, in log book.

For automated testing, places filled sample container in test equipment fixture. Observes and records equipment digital (display) reading in log book

Manually documents findings in log and labels sample bottles.

Following field collection and testing at sample collection sites, drives to return to Lab. Carries the cooler, full of filled sample containers, weighing **no more than 10 pounds** from the car to the lab, an approximate distance of 60 – 100ft.

**Physical Requirements: Standing, Walking, Lifting and carrying up to 40 lbs [10 lbs. frequently (i.e., on a daily basis) and 40 lbs. once a quarter (every 3 months)] Pulling and pushing exerting up to 10 pounds of force** (opening gates and doors of pump stations), **Working at or below waist level** (to access faucet to collect water samples), **Crouching and stooping** (to perform field tests at table or at floor level), **Grasping, gripping, wrist torque, fine motor manipulation** (e.g., opening sample bottles, cleaning faucet), **Visual acuity and color discrimination** (e.g., to observe and record test results), **Sitting, eye-hand, foot coordination** (e.g., for driving), **Climbing of stairs** (required to access test sites at some pumping stations)

- 2) **Laboratory work** entails testing water samples and calculating and interpreting lab values and test results to detect possible hazards or abnormalities in the water. Performs microbiological tests, which include tests for bacteria, chloroforms and use of bright field, phase contrast and ipifluorescence techniques. The Technician is responsible for reporting abnormalities to the Senior Microbiologist and following policies and procedures based on the abnormal readings.

Stands at Lab workbenches for extended periods of time to perform lab testing of water samples.

Mixes small amounts of water samples with reagents in test tubes and Petri dishes using droppers and pipettes. Visually observes and records changes to samples, indicating test results and records results in log book.

Visually inspects water samples using magnifying devices, fluorescent and UV devices to identify presence of bacteria.

Places small amounts of water samples in analyzer machines, to perform automated testing. Observes and records equipment digital (display) readings and records results in log book.

Manually records test results by writing in log book or entering test results data into computer.

Walks through Lab and reaches at, above, or below shoulder level to access and restock supply cupboards. Supplies typically weigh 5 lbs or less (e.g., test tubes, trays, paper towels, etc.).

**Erie County Water Authority Physical Standards & Requirements For  
Microbiologist (Water Quality), Senior Microbiologist (Water Quality) and  
Lab Technician (Environmental Microbiology)**

**Physical Requirements: Standing for extended periods of time** while conducting lab tests at workbench, **Walking** (through Lab to stock and access supplies), **Reaching at, above, and below shoulder level** (to perform lab tests, access supplies), **Fine finger grasping, gripping and manipulation** [Including manipulation of small items (e.g., test tubes, droppers, etc.)], **Writing, entry of data into computer, Visual acuity and Color discrimination** (e.g., to interpret lab test results involving color changes of water samples, read instrument displays, and utilization of magnification equipment)

**Potential Accommodations.**

Virtually all of the essential function job tasks characterizing the Water Quality job family are **Light** in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by frequent exertion of force under 10 lbs. and occasional exertion of force (e.g., lifting, carrying) of 10 – 20 lbs. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

There is, however, a single job task whose physical requirements exceed the **Light** category. This job task involves the once a quarter field collection of large (approximately 1 gallon) samples leading to the requirement of lifting and carrying a 40 lb cooler. This task, since it occurs only once a quarter, could be handled by another employee if necessary to accommodate an individual with lifting restrictions preventing work beyond the **Light** physical demand category.

**Erie County Water Authority Physical Standards  
& Requirements For  
Stores Clerk, Senior Stores Clerk,  
Administrative Assistant – Stores, and Water Utility Worker - Stores**

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

- |  |              |
|--|--------------|
| • Bend                                   | Occasionally |
| • Stand                                  | Frequently   |
| • Sit                                    | Occasionally |
| • Walk                                   | Continuously |
| • Balanc                                 | Rarely       |
| • e Stoop                                | Rarely       |
| • Squat                                  | Occasionally |
| • Twisting                               | Rarely       |
| • Kneeling                               | Rarely       |
| • Use of Hands (simple grasp)            | Continuously |
| • Use of Hands (gripping)                | Continuously |
| • Use of Hands (fine motor manipulation) | Continuously |
| • Lift Under ten pounds                  | Frequently   |
| • Lift 10-20 pounds                      | Frequently   |
| • Lift 20-30 pounds                      | Frequently   |
| • Lift 30-40 pounds                      | Occasionally |
| • Lift 40-50 pounds                      | Occasionally |
| • Lift over 50 lbs.                      | Rarely       |
| • Carry under 10 pounds                  | Frequently   |
| • Carry 10-20 pounds                     | Frequently   |
| • Carry 20-30 pounds                     | Frequently   |
| • Carry 30-40 pounds                     | Occasionally |
| • Carry 40-50 pounds                     | Occasionally |
| • Carry over 50 lbs.                     | Rarely       |
| • Push/Pull under ten pounds             | Frequently   |
| • Push/Pull 10-20 pounds                 | Occasionally |
| • Push/Pull 20-30 pounds                 | Frequently   |
| • Push/Pull 30-40 pounds                 | Occasionally |
| • Push/Pull 40-50 pounds                 | Occasionally |
| • Push/Pull over 50 pounds               | Rarely       |
| • Reach above shoulder                   | Occasionally |
| • Reach at shoulder                      | Occasionally |
| • Reach below shoulder                   | Occasionally |
| • Rotation of head                       | Frequently   |
| • Walk on uneven surfaces                | Frequently   |

**Erie County Water Authority Physical Standards  
& Requirements For  
Stores Clerk, Senior Stores Clerk,  
Administrative Assistant – Stores, and Water Utility Worker - Stores**

**Environmental Work Conditions**

- Exposure to uneven work surfaces
- Exposure to standing and running water (in garage and stores area)
- Exposure to loud noise of machinery (When laborers are at work repairing station pumps etc)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to mechanical moving parts hazard (Tow Motors / Forklift)
- Exposure to ergonomic factors (e.g. Reaching for supplies)
- Exposure to all weather conditions. (Accessing to the outside storage barn pump and reading outside meters)

**Safety Equipment**

- Steel toed safety shoes
- Gloves
- Rain gear

**Job Summary**

The job classifications of Stores Clerk, Senior Stores Clerk, Administrative Assistant – Stores, and Water Utility Worker – Stores are **Medium** based upon requirements for exerting up to 30 lbs. of force frequently (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Administrative Assistant – Stores is primarily responsible for supervising the work of the Stores family, the Administrative Assistant may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by the Stores Clerk and Water Utility Worker)

The Stores Clerk, Senior Stores Clerk, Administrative Assistant – Stores, Water Utility Worker – Stores primarily engage in three major categories of work activities: (1) **Computer Work** (not performed by the Laborer) (2) **Storing and Issuing supplies** (3) **General Maintenance**

- 1.) **Computer Work is performed on a daily basis.** *(Note this category of work is not performed by the Stores-Laborer.)* This entails using the computer to prepare requisitions and bids for materials to be purchased, maintaining records on stock, preparing and printing inventory daily logs, ordering supplies, monitoring and handling of State and County contractor bids.

The Administrative Assistant is exclusively responsible for monitoring and ordering Gas/Diesel fuel (for ECWA vehicle use), stone (for repairs and patches) and rock salt (for hazardous weather conditions).

**Erie County Water Authority Physical Standards  
& Requirements For  
Stores Clerk, Senior Stores Clerk,  
Administrative Assistant – Stores, and Water Utility Worker - Stores**

**Physical Requirements include:** Fine motor skills to include writing and typing on a computer keyboard. Visual acuity to read computer monitor. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation. Extended periods of sitting while at the computer. Cognitive requirements include ability to interpret and analyze data.

**2.) Storing and issuing supplies** entails receiving, storing, issuing supplies and equipment to other ECWA employees.

Stores Clerk, Senior Stores Clerk, Administrative Assistant – Stores, Water Utility Worker - Stores issue a variety of tools and equipment, including: common hand tools such as screwdrivers, chisels, and wrenches, personal equipment such as belts, gloves, hard hats and rain gear.

Works at receiving window requiring extensive standing and walking. Receives and reviews requisitions for supplies. Retrieves requested supplies, requiring extensive walking to reach storage areas. Pulls supplies from storage areas and shelves requiring reaching at or below waist level and at or above shoulder level, bending to reach supplies on lower shelves or pallets, use of a wheeled stepladder for climbing to reach supplies on upper shelves. May be required to lift and carry parts and supplies weighing up to 55 lbs. alone or with the assistance of another Stores Clerk or Water Utility Worker.

Receives supply deliveries and may be required to assist with unloading trucks.

Uses forklift and power assisted pallet jacks to receive and move loaded pallets and heavy supplies and equipment, such as a valves weighing up to 100 lbs. Uses 2-wheeled and 4-wheeled carts for moving supplies such as Bell joint valve and valve joints weighing 55 pounds apiece. May be required to move multiple units.

Work is carried out in an indoor environment in the store room, Environment is temperature controlled but is exposed to rapid changes in temperature due to the bay doors being open to receive supplies. The Stores Clerk, Senior Stores Clerk, Administrative Assistant – Stores, Water Utility Worker - Stores are required to walk outdoors to reach the storage barn and are therefore exposed to the elements (e.g., cold, rain, snow, etc.). Environment in the stores department is hazardous due to patchy wet floors and materials lying on the floor including tools and supplies.

Drives ECWA vehicles to deliver mail to various ECWA sites

**Physical Requirements include:** Frequent standing and walking (e.g. retrieving, issuing and storing supplies.) Occasional Bending, in order to retrieve supplies from lower shelves. Climbing (e.g., on and off forklift and using step ladders, to retrieve supplies); Reaching at or below waist level and at or above shoulder level. Upper body strength to lift and carry up to 55 lbs. (e.g., lifting bell valves) and push/pull loaded carts and hand trucks. Periods of sitting while driving

**Erie County Water Authority Physical Standards  
& Requirements For  
Stores Clerk, Senior Stores Clerk,  
Administrative Assistant – Stores, and Water Utility Worker - Stores**

forklifts and ECWA vehicles to and from ECWA sites to deliver mail. Eye, hand foot coordination to drive forklifts and ECWA vehicles.

The Stores Clerk, Senior Stores Clerk, Administrative Assistant – Stores, Laborer - Stores may be required to lift and carry up to 55 lbs. (valves, bell joints) alone or with the assistance of another Stores Clerk job family member and also with the use of hand carts. Handling and movement of very heavy parts and equipment such as heavier valves and joints weighing up to maximum 100 pounds are accomplished using a forklift.

**2.) General maintenance** entails general light maintenance duties at the Union Road location.

(Note that although the Water Utility Worker – Stores is primarily responsible for general maintenance duties of the Stores family, the Administrative Assistant/Store Clerk/ Senior Store Clerk may be called upon to perform essential function work tasks described herein)

The maintenance duties include changing light bulbs, repairing and replacing windows, screens and doors.

**Physical Requirements include:** Frequent standing and walking (e.g. walking in and around building to perform repairs). Carrying a loaded tool box weighing approximately 10 lbs. Occasional bending and reaching at, above, or below waist level and at or above shoulder level to accomplish maintenance tasks. Use of hand tools requiring gross upper extremity and hand movements and fine finger manipulation, grasping, gripping, and application of torque. Occasional climbing (e.g., 6 ft. ladders, to replace light bulbs.).

**Potential Accommodations:**

Virtually all of the essential function job tasks characterizing the Stores family are “**Medium**” in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by exerting 20 – 30 lbs. of force frequently. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

**HealthWorks**  
**Pre-Employment / Return to Work Screening**  
**Erie County Water Authority**

**Employee Name:**

**Date of Screen:**

**Job Title: Water Utility Worker**  
**Line Maintenance Operator**  
**Crew Chief**  
**General Crew Chief**

**Evaluator:**

Vital Statistics		
<b>DOB:</b>	<b>Height:</b>	<b>Weight:</b>

**Range of Motion**

Upper Extremity	Left	Right	Normal
Shoulder Flexion			0-170°
Shoulder Abduction			0-170°
Elbow Flexion			0-130°
Shoulder IR			0-80°
Shoulder ER			0-80°
Elbow Extension			0°
Wrist Flexion			0-75°
Wrist Extension			0-85°
Finger Flexion			Full Fist
Finger Extension			Flat Hand
Lower Extremity	Left	Right	Normal
Hip Flexion			0-115°
Hip Abduction			0-40°
Knee Flexion			0-120°
Knee Extension			0°
Ankle Dorsiflexion			0-15°
Ankle Plantarflexion			0-40°

**Range of Motion**

Cervical:	Normal	Thoracic:	Normal	Lumbar:	Normal
Flexion:	0-45°	Rotation (R):	Symm (B)	Flexion:	0-60°
Extension:	0-40°	Rotation (L):	Symm (B)	Extension:	0-30°
Rotation:	0-75°			Sideglide (R):	Symm (B)
Sidebending:	0-45°	Symm = symmetrical		Sideglide (L):	Symm (B)
Retraction:					



Posture Assessment		
Protruded Head: Rounded Shoulders: Cervical Lordosis:	Thoracic Kyphosis: Sitting Posture:	Lumbar Lordosis: Lateral Shift:

Strength Assessment							
Upper Ext.	Left	Right	Normal	Lower Ext.	Left	Right	Normal
Shoulder Flex			5/5	Hip Flex			5/5
Shoulder Abd			5/5	Hip Abd			5/5
Shoulder ER			5/5	Knee Flex			5/5
Shoulder IR			5/5	Knee Ext			5/5
Elbow Flex			5/5	Ankle DF			5/5
Elbow Ext			5/5	Ankle PF			5/5
Wrist Flex			5/5				
Wrist Ext			5/5				

Maximum Grip Strength Test		
Handle Position 2	Left:        lbs.	Right:        lbs.
5 Position Hand Grip Test		
1.	Left:        lbs.	Right:        lbs.
2.	Left:        lbs.	Right:        lbs.
3.	Left:        lbs.	Right:        lbs.
4.	Left:        lbs.	Right:        lbs.
5.	Left:        lbs.	Right:        lbs.

Other Tests	
Neer's Impingement	PROM R/L Shoulder Employee reports -
Tinel's Sign/Phalen's Test	Employee reports -

<b>Maximal Voluntary Isometric Strength (in lbs.)</b>					
<b>Test</b>	<b>Lift 1</b>	<b>Lift 2</b>	<b>Lift 3</b>	<b>Criteria</b>	<b>Met/Not Met</b>
<b>Floor Lift</b>				40 Lbs.	
<b>Leg Lift</b>				40 Lbs.	
<b>High Near Lift</b>				40 Lbs.	
<b>Push</b>				40 Lbs.	
<b>Pull</b>				40 Lbs.	

**Job Specific Functional Tests**

<b>Distance:</b>	<b>Min. Acceptable Weight</b>	<b>BPM</b>	<b>Met/Not Met</b>
<b>Lifting:</b>			
<b>Lift 40 lbs. floor to chest</b>	<b>40 lbs. 10reps</b>		
<b>Turning:</b>			
<b>Valve Assembly Turn On/Off</b>	<b>10 reps</b>		
<b>Turn Key in Valve at Shoulder Height</b>	<b>160 lbs force 10 reps</b>		
<b>Turn Small Key /Hydrant Wrench</b>	<b>24 # turns 10 sets</b>		
<b>Push/Pull:</b>			
<b>Pull weight at chest height 3 ft and lower to ground (simulating taking pump on/off truck)</b>	<b>40 lbs. 10 reps.</b>		
<b>Carry:</b>			
<b>Carry 30 lbs. 20 feet with one hand (saw)</b>	<b>30 lbs. 10 reps.</b>		
<b>Carry 30 lbs. 4 steps (carry tools into hole)</b>	<b>10 reps.</b>		

<b>Treadmill Endurance Test</b>		<b>Aerobic Fitness Score</b>	
<b>Walking Speed(&gt;2 mph)</b>	<b>Heart Rate (BPM)</b>	<b>Predicted VO 2max</b>	<b>PDC Equivalent</b>

**Comments:** Employee instructed in proper lifting techniques and body mechanics.

**Physical Therapist Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# Erie County Water Authority Physical Standards & Requirements For Water Utility Worker, Line Maintenance Operator, Crew Chief & General Crew Chief

## Physical Activities

Key:	Rarely -	Less than one percent of the workday	
	Occasionally -	Up to 1/3 of the workday	
	Frequently -	1/3 to 2/3 of workday	
	Continuously -	Over 2/3 of workday	
			Frequently
• Bend			Continuously
• Stand			Occasionally
• Sit			Occasionally
• Walk			Occasionally
• Balance			Occasionally
• Stoop			Occasionally
• Squat			Occasionally
• Twisting			Frequently
• Kneeling			Rarely
• Use of Hands (simple grasp)			Continuously
• Use of Hands (gripping)			Continuously
• Use of Hands (fine motor manipulation)			Occasionally
• Lift Under ten pounds			Continuously
• Lift 10-20 pounds			Continuously
• Lift 20-30 pounds			Frequently
• Lift 30-40 pounds			Occasionally
• Lift 40-50 pounds			Rarely
• Lift over 50 lbs.			Occasionally
• Carry under 10 pounds			Continuously
• Carry 10-20 pounds			Continuously
• Carry 20-30 pounds			Occasionally
• Carry 30-40 pounds			Occasionally
• Carry 40-50 pounds			Rarely
• Carry over 50 lbs.			Occasionally
• Push/Pull under ten pounds			Continuously
• Push/Pull 10-20 pounds			Continuously
• Push/Pull 20-30 pounds			Continuously
• Push/Pull 30-40 pounds			Continuously
• Push/Pull 40-50 pounds			Occasionally
• Reach above shoulder			Occasionally
• Reach at shoulder			Frequently
• Reach below shoulder			Occasionally
• Rotation of head			Continuously
• Walk on uneven surfaces			Frequently

## Environmental Work Conditions

- Exposure to all weather conditions
- Exposure to uneven work surfaces
- Exposure to standing and running water
- Exposure to loud noise
- Exposure to vibration (jackhammers, power tools)
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (asbestos in older water pipes)
- Exposure to soil/mudslides, falling rock at excavated sites

# Erie County Water Authority Physical Standards & Requirements For Water Utility Worker, Line Maintenance Operator, Crew Chief & General Crew Chief

## Job Summary

The job classifications Water Utility Worker, Line Maintenance Operator, and Crew Chief are **Heavy** based upon requirements for exerting 25-50 lbs of force frequently and /or 10-20 lbs. of force constantly. (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Crew Chief is primarily responsible for supervising the work of Water Utility Workers and Line Maintenance Operators, the Crew Chief may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Water Utility Workers and Line Maintenance Operators.)

Water Utility Worker, Line Maintenance Operators, and Crew Chief primarily engage in three major categories of work activities: (1) **hydrant repair**, (2) **valve box repair**, and (3) **water main leak repair**.

**Hydrant servicing and repair** is usually accomplished with 2 person crews. Workers disassemble, repair and reassemble hydrants using hand held power tools and hand tools. Hand tools include pipe wrenches weighing up to 40 lbs. and requiring considerable force to push/pull or apply torque, as well as, 12 lb sledge hammers which workers use to loosen the hydrant head.

Workers may be required to lift and carry up to 75 lbs. (hydrant stem) short distances, as part of disassembly and repair of hydrants.

Depending upon the hydrant's location, utility worker may be on smooth sidewalk or street, or may work at the roadside some feet above or below street level on uneven ground. Hydrant servicing and repair is performed year round in prevailing weather conditions. Workers are constantly exposed to standing and running water.

**Water main break and valve box repairs** are usually performed in work crews composed of 4 individuals and require excavation (digging) at work sites to reach the water main or valve box requiring repair. Workers operate heavy equipment including backhoes and bobcats to excavate repair sites, requiring continuous use of hands and feet to operate controls. Workers may also use jackhammers weighing 70 lbs. and concrete saws to break small areas of concrete as part of the excavation. Use of the above equipment exposes workers to loud noise and vibration.

Most soil in the excavation is removed with backhoes or bobcats, but, once the excavation nears the break or valve box requiring repair, workers use shovels and spades to remove the remaining soil. Workers may shovel continuously for up to 10 minutes at a time throwing an average of 15 lbs. of dirt per shovelful.

As part of repair activities, workers climb 10 foot ladders to enter and exit the work area (trench) and may carry tools and equipment weighing up to 35 lbs. up and down ladders. To accomplish repairs workers use hand and power tools to cut and repair pipe.

Depending on the extent of repair required, workers may work in the excavated trench for up to an entire shift, lasting several hours. Work in the trench may involve extended exposure to standing or running water.

Water main and valve box repairs occur outdoors in all seasons, and are especially common in winter. Workers are therefore routinely exposed to ambient temperatures and inclement weather conditions.

Water Utility Workers are organized in two, three, and four worker teams depending upon the project. Work is performed out of doors, exposing workers to prevailing weather conditions year round. Much work is performed off smooth street/sidewalk surfaces and often in excavations as much as six feet deep, depending upon the location of the water main.

# **Erie County Water Authority Physical Standards & Requirements For Water Utility Worker, Line Maintenance Operator, Crew Chief & General Crew Chief**

## **Potential Accommodations**

Virtually all of the essential function job tasks characterizing the Water Utility Worker job family are “**Heavy**” in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by frequent exertion of force of 25-50 lbs. and constant exertion of force (e.g., lifting, carrying) of 10-20 lbs. It, therefore, does not appear to be practicable to modify these job essential function physical requirements without fundamentally altering the function and purpose of the job family.

**Erie County Water Authority Physical Standards & Requirements For  
Water Treatment Plant Helper, Water Treatment Plant Operator Trainee, Water  
Treatment Plant Operator, Senior Water Treatment Plant Operator, Water Treatment  
Plant Operator Crew Chief and Water Treatment Plant Operator Superintendent**

**Physical Activities**

Key:	Rarely -	Less than one percent of the workday
	Occasionally -	Up to 1/3 of the workday
	Frequently -	1/3 to 2/3 of workday
	Continuously -	Over 2/3 of workday

• Bend	Frequently
• Stand	Continuously
• Sit	Frequently
• Walk	Frequently
• Balance	Occasionally
• Stoop	Occasionally
• Squat	Occasionally
• Twisting	Occasionally
• Kneeling	Occasionally
• Use of Hands (simple grasp)	Frequently
• Use of Hands (gripping)	Frequently
• Use of Hands (fine motor manipulation)	Frequently
• Lift Under ten pounds	Occasionally
• Lift 10-20 pounds	Frequently
• Lift 20-30 pounds	Occasionally
• Lift 30-40 pounds	Occasionally
• Lift 40-50 pounds	Occasionally
• Lift over 50 lbs.	Occasionally
• Carry under 10 pounds	Frequently
• Carry 10-20 pounds	Occasionally
• Carry 20-30 pounds	Occasionally
• Carry 30-40 pounds	Occasionally
• Carry 40-50 pounds	Occasionally
• Carry over 50 lbs.	Occasionally
• Push/Pull under ten pounds	Frequently
• Push/Pull 10-20 pounds	Occasionally
• Push/Pull 20-30 pounds	Occasionally
• Push/Pull 30-40 pounds	Occasionally
• Push/Pull 40-50 pounds	Occasionally
• Push/Pull over 50 pounds	Occasionally
• Reach above shoulder	Occasionally
• Reach at shoulder	Frequently
• Reach below shoulder	Occasionally
• Rotation of head	Continuously
• Walk on uneven surfaces	Occasionally

**Environmental Work Conditions**

- Exposure to all weather conditions
- Exposure to uneven work surfaces
- Exposure to standing and running water
- Exposure to loud noise of machinery (basin room and chlorine room)

## **Erie County Water Authority Physical Standards & Requirements For Water Treatment Plant Helper, Water Treatment Plant Operator Trainee, Water Treatment Plant Operator, Senior Water Treatment Plant Operator, Water Treatment Plant Operator Crew Chief and Water Treatment Plant Operator Superintendent**

- Exposure to foul odor
- Exposure to slipping hazards walking on wet surfaces
- Exposure to toxic chemicals (chlorine)
- Exposure to confined spaces.
- Exposure to electric shock hazard.
- Exposure to mechanical moving parts hazard
- Exposure to heights as well as depths
- Exposure to biological hazards.
- Exposure to ergonomic factors (heavy lifting e.g.)

### **Safety Equipment**

- Steel toed safety shoes
- Gloves
- Safety glasses
- Hearing protection
- Safety Harnesses
- Escape Mask
- Self Contained Breathing Apparatus (SCBA) (Requires respirator fit testing)

### **Job Summary**

The physical demand level of the Water Treatment Plant Crew Chief, Senior Water Treatment Plant Operator, Water Treatment Plant Operator, Water Treatment Plant Relief Operator, Water Treatment Plant Helper would be classified as **Medium - Heavy** based upon requirements for exerting over 50 lbs. of force occasionally and /or 10-20 lbs. of force frequently (Source: U.S. Department of Labor, Dictionary of Occupational Titles Vol. II, 4<sup>th</sup> Edition Rev. 1991)

(Note that although the Water Treatment Plant Crew Chief is primarily responsible for supervising the work of the Operator job family, the Crew Chief may be called upon to perform essential function work tasks described herein, including essential function physical requirements, performed by Senior Water Treatment Plant Operator and Plant Operators.

In addition to the range of work activities and task assignments characteristic of the Water Treatment Plant Operator job family described herein, the Senior Water Treatment Plant Operator is also responsible for specific task assignments the Plant Operators do not perform, including calibration of plant equipment and maintenance and repair/replacement of specific pumps, e.g. Fluoride pump.)

The Water Treatment Plant Operator job family primarily engages in four major categories of work activities: (1) **Laboratory Work** (2) **Operation of the Control Room** (3) **Maintenance and Repair** and (4) **Chlorine Delivery and Chlorine change**. These work activity categories and their attendant essential function physical requirements are described below.

Overall, the Water Treatment Plant job family is characterized by the requirement for continuous standing and frequent walking and climbing stairs (3 floors) to perform work tasks including recording of data from equipment and the performance of scheduled and emergency equipment maintenance in various locations throughout the plant. Members of the job family typically walk between 2 and 4 miles to perform their work assignments during a given shift.

## **Erie County Water Authority Physical Standards & Requirements For Water Treatment Plant Helper, Water Treatment Plant Operator Trainee, Water Treatment Plant Operator, Senior Water Treatment Plant Operator, Water Treatment Plant Operator Crew Chief and Water Treatment Plant Operator Superintendent**

The tasks described below are accomplished by a minimum of two Operators per shift. Relief Operators provide coverage for Operators out sick or on vacation. Relief Operators work 1<sup>st</sup> shift Monday through Friday if no relief coverage is needed.

- 1) **Laboratory work** is accomplished with 1 operator per shift, unless a trainee is working the same shift. The Plant Operator is responsible for testing water samples and calculating and interpreting lab values and test results to detect possible hazards or abnormalities in the water. Testing for bacteria, turbidity, alkalinity, fluoride, titration, chlorine and use of spectrophotometer to test for organic material are done once per shift. Fifty water samples are drawn from various stages of the treatment process per shift to test for abnormalities. The Operator is responsible for reporting abnormalities to the supervisor and following policies and procedures based on the abnormal readings.

**Physical requirements include:** Extended periods of standing to perform routine lab testing. Gross and fine motor movements of the upper extremities to include grip, grasp and fine hand and finger manipulation, as well as reaching below, at and above waist level are required to perform various lab tests intermittently for a duration of 4 – 5 hours per shift; Visual acuity and visual color discrimination are required in order to read gauges and digital results, and for visual interpretation of lab tests involving color changes.

The Operator must perform a chemical inventory twice per shift which requires walking throughout the main treatment plant, including climbing stairs to access all 3 plant levels, in order to record data from the actual gauges, in addition to tracking these measurements by computer monitoring. During these chemical inventory checks, the Operator is also required to visually inspect equipment and containment areas to insure proper functioning and detect any problems.

- 2) **Control Room:** The same Operator that covers the lab may also work in the Control Room. Duties include addressing alarms as they occur, investigating alarms, manual computer adjustments based on interpretation of data, observing security monitors, opening and closing the entrance gate electronically, reporting occurrences to the appropriate supervisor, and addition of chemicals to the treatment process.

Operators working in the Control Room must respond immediately to alarms which may occur anywhere in the plant, since an alarm may indicate equipment or process malfunctions which could affect overall plant operation and/or public safety (i.e., safety of the water supply, chemical leaks). Response to alarms includes reading and interpreting computer screens and data and inputting data or commands into the computer. The Operator may be required to physically walk and climb stairs to reach the problem area, which could be anywhere in the plant, to visually inspect and respond to the emergency situation.

Operators working in the Control Room are also required to periodically replace depleted Potassium Manganese jugs and Poly Aluminum Chloride chemical jugs.

The Poly Aluminum Chloride jugs are replaced **once per shift**. The Operator is required to lift each of four jugs weighing 60 pounds each from a floor palette onto a cart (“gurney”) weighing approximately 30 lbs. The Operator must then push the loaded cart approximately 25 feet to the area where the jugs are replaced (the cart rolls easily over the smooth floor surface). Due to a lip at the edge of each grate in the filter house, which impedes movement of the gurney, the Operator must lift and carry each jug an additional 15 feet to the receptacle.

The Potassium Manganese jugs are replaced **once every other shift**. The Operator is required to lift a single jug weighing 50 pounds from a floor palette and carry it approximately 3 feet to the location where he replaces the depleted jug with the filled jug.

**Physical Requirements:** Extended periods of sitting, fine motor movements to include typing on computer keyboard, operating controls. Bending and stooping, lifting and carrying up to 60 lbs and push pull (loaded rolling cart) up to 270 lbs (chemical jug replacement). Potential for extended walking and stair climbing (physically responding to alarms throughout the plant). Visual acuity to view or read computer monitor and



## **Erie County Water Authority Physical Standards & Requirements For Water Treatment Plant Helper, Water Treatment Plant Operator Trainee, Water Treatment Plant Operator, Senior Water Treatment Plant Operator, Water Treatment Plant Operator Crew Chief and Water Treatment Plant Operator Superintendent**

security monitors. Ability to read and interpret data per established standards. Ability to follow established emergency procedures. Ability to exercise judgment in responding to and reporting emergency situations. Exposure to loud noises when alarm sounds.

- 3) **Maintenance and Repair:** Operators and Plant Helpers participate in maintenance and repair activities of equipment and machinery throughout the plant, as assigned.

Maintenance and repair includes both routine and scheduled maintenance as well as, emergency equipment repairs. Scheduled maintenance includes oil changes for various pumps (e.g., filter pumps, well pumps, sludge pumps) throughout the plant, as well as, air filter replacements in the ventilation systems, located on plant roof tops (48 total, filters weighing approximately 5 lbs each).

Equipment repair and maintenance includes activities ranging from repair or replacement of small mechanical parts, using standard hand tools (e.g. wrenches, screwdriver, etc.) to large pump repairs and screen changes involving parts weighing 75-150 pounds. Repairs involving large or heavy parts are accomplished by teams of 2 Operators. Movement of large parts is accomplished through 2 man lifts and/or use of 5 or 10 ton chain falls. (Chain falls are operated manually, usually by 2 Operators, requiring 20-30 pounds of exertion of force per person)

Some repair work involves descent into repair area where the Operator is required to climb 10 foot ladders and wear safety harnesses. In addition Operators may be required to accomplish repairs in confined or tight spaces requiring working in awkward positions, crouching, stooping, and maneuvering around large pipes.

Routine maintenance also involves tasks such as: buffing floors, snow removal on sidewalks with snow blower and shovel, and plow for driveways and parking lots; salt application during the winter months as needed; changing light bulbs, some 25 feet high, with use of ladder and extension pole, basin cleanings twice a year involving climbing 10 foot ladder, to descend into work area and use of 1 ½ inch fire hose, use of fire extinguisher weighing 50 pounds. Operators may operate backhoe to accomplish certain maintenance tasks, requiring driving and repetitive use of hands and feet to operate controls.

**Physical Requirements:** Lifting, carrying, pulling and pushing weights anywhere from 5 – 150 lbs, (Note: lifting and moving of objects weighing over 75 lbs is accomplished with 2 person teams and/or through use of chain falls). Working at, below or above waist level. Shoveling water waste and snow. Use of vibrating machinery including: snow blower, floor buffer and backhoe. Climbing stairs and ladders. Working in confined spaces including crouching, stooping, maneuvering around large pipes, working in awkward positions, upper extremity hyperextension. Use of 1 ½ to 3 inch fire hose (weighing 30 – 50 lbs). Exposure to loud (machine) noises. Grasping, gripping, wrist torque, fine motor manipulation using small hand tools. Use of manually operated chain falls involving exertion of 20-30 lbs of force to move heavy objects.

- 4) **Chlorine delivery and chlorine change:** These tasks are performed every two weeks or as needed, and are accomplished with 2 Operators, at least one of whom must be a Licensed Operator. Operators and Plant Helpers wear an escape mask while performing these tasks. There are also SCBA's (Self Contained Breathing Apparatus) available, which must be donned by staff performing this function if a chlorine leak is suspected. (Operators and Plant Helpers are required to be respirator fit tested in order to work in the plant.) Chlorine change and delivery is only done on 1<sup>st</sup> shift.

**Chlorine Delivery:** The cylinders are delivered by outside contractor and must be moved to the contained area. Each cylinder, when full weighs 1500-2000 pounds. Delivery involves 10 cylinders per delivery or less if needed. The cylinders are rolled off the delivery truck by vendor personnel and moved by Operators to the confined area, using a 5 ton crane with push button controls. Operators maneuver the cylinders being moved by the crane into place using chains, requiring the exertion of up to 75 pounds of force per person.

## **Erie County Water Authority Physical Standards & Requirements For Water Treatment Plant Helper, Water Treatment Plant Operator Trainee, Water Treatment Plant Operator, Senior Water Treatment Plant Operator, Water Treatment Plant Operator Crew Chief and Water Treatment Plant Operator Superintendent**

**Chlorine Change:** Involves use of 5 ton crane to move empty cylinders and replace with full cylinders, 5 per change or less as needed. Operators and helpers wear Escape Masks during performance of these tasks. For a partial cylinder change, Operator disconnects the halogen valve and removes the yellow box, applies cap and covers with end plate. Operators use crane to move the empty cylinder to the empty side. The crane is then used to move a full closed cylinder to the empty space and the operator performs the tasks described above in reverse. For a full cylinder change, the washer and filter in the valve are also changed. Ammonia is used to test for the presence of chlorine gas and is negative if cloud is clear.

**Physical Requirements:** Operation of push button operated overhead crane to move large heavy objects. Exertion of up to 75 pounds of force, using chains, is required to maneuver cylinders being moved by crane into place. Escape masks are required due to exposure to hazardous gases. May be required to don SCBA (self-contained breathing apparatus) if chlorine leak is suspected. Bending at the waist. Visual acuity to read gauges. Fine motor movements of hands (e.g. grasping, gripping, and turning) are required for turning knobs, disconnecting removing and reassembling caps and end plates to containers. Exposure to loud (machine) noises.

All treatment plant operators are not allowed to leave the plant for any reason during their shift. A large lunch room is provided with many amenities to accommodate this rule.

### **Potential Accommodations.**

Virtually all of the essential function job tasks characterizing the Water Utility Worker job family are **Medium - Heavy** in nature, as per the US Department of Labor Dictionary of Occupational Titles definition (see above), in that they are characterized by occasional exertion of force of 10 - 60 lbs. and frequent exertion of force (e.g., lifting, carrying) of 10-20 lbs.

Although Operators work in teams to accomplish some heavy tasks, Operators often work individually on different essential function tasks in different parts of the plant. Accommodation in the form of help from other employees to accomplish essential function tasks involving heavy lifting (e.g. Chemical jug replacement) may not be available due to the staff limitations cited above.

Work in teams may also require each of two individual Operators to exert up to 75 lbs. of force (Chlorine Cylinder changes) to accomplish the task.

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

**Re:                   LINE MAINTENANCE OPERATOR’S                   Policy No. 14  
                          TRAINING POLICY**

---

**Application: All Employees**

**Amended:       09/26/2007  
                          04/26/2012  
                          10/20/2022<sup>1</sup>  
                          09/20/2023**

---

<sup>1</sup> This Line Maintenance Operator’s Training Program Policy, restates & replaces H.R. Policy No. 14.0 (Line Maintenance Operators Training Policy) and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

**AGREEMENT**

\_\_\_\_\_  
**Employee Name**

\_\_\_\_\_  
**Social Security No.**

\_\_\_\_\_  
**Employees Address**

\_\_\_\_\_  
**Employee No.**

**Revised 2012**

---

1. Trainee agrees to have his/her progress evaluated at an interval of every 100 hours of training tasks and or every six months to determine that the necessary requirements of the training program are being fulfilled. (IE. Proper work processes are being scheduled and completed; proper tasks within each work process are being completed). These evaluations must take place prior to advancement in the program.
2. Trainee agrees to complete each work process and to attend each related instruction session as scheduled.
3. Trainee agrees to be supervised during the training program by the Line Maintenance Operator and/or Crew Chief so designated by the Authority to direct the work process tasks.
4. The trainee acknowledges that in order to ensure full compliance with the work process tasks, the trainee may be temporarily reassigned from a vehicle that excludes his/her bid assignment.
5. The Authority acknowledges that when the trainee is reassigned for the express purpose to comply with the work process task, the Authority will ensure that the reassignment will only be for the time period required for training.
6. Upon successful completion of the 2,142 hours of Practical Field Training and 86 hours of Classroom Instruction contained in the program's work processes, obtaining a Class A Commercial Driver's License issued by the State of New York and all required hours of related instruction, the employee will then be eligible for consideration for promotion to the Civil Service Title of Line Maintenance Operator.

\_\_\_\_\_  
**Water Utility Worker**

\_\_\_\_\_  
**ERIE COUNTY WATER AUTHORITY**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

<u>Type of Training</u>	<u>Classroom Instruction</u>	<u>Practical Field Time</u>
<b>A. <u>Tools and Equipment</u></b>	<b>0</b>	<b>80</b>
1. Working in Storeroom		
a. Become familiar with tools, piping and other materials used on the job.		
b. Using and caring for hand tools including wrenches, files, pliers, and others including Safety procedures associated with same.		
c. Using and caring for power tools including pipe saws and metal detectors. Safety procedures associated with same.		
d. Using and caring for equipment including air hammer, air compressor, water pump, torches, generator, portable welding machine, ladders. Safety procedures associated with same.		
<b>B. <u>Work Area Protection and Safety</u></b>	<b>0</b>	<b>180</b>
1. Setting up work area for safety of crew and public.		120
a. Using safety cones, flashers, bafflers, and arrow board on truck.		
b. Establishing one-way traffic, using flaggers.		
2. Using Shoring, also helping to make sure job site safety.		60
3. Lockout / tag out, MSDS		
<b>C. <u>Operating Vehicles and Heavy Equipment</u></b>	<b>8</b>	<b>380</b>
1. Ensuring that vehicles and equipment are adequately stocked, serviced and in good working order before leaving for worksite.		40
2. Safe operation of:		<b>340</b>
a. Backhoe / Track Machine (Successful completion of an accredited assessment and certification program)	8	80
i. Written Assessment and training class (must pass written assessment test)		
ii. Successfully complete a performance verification and evaluation		
b. High Lift		40
c. Bobcat with cutter & bucket / Vacuum		30
d. Line truck and trailer (B CDL's familiarized and educated only)		30
e. Hydrant truck with crane		80
f. Dump truck		80
<b>D. <u>Map Reading</u></b>	<b>0</b>	<b>180</b>
1. Reading and interpreting maps and drawings of the water distribution system to locate valves and water mains. Familiarization with standard detail symbols for utility poles, hydrant assemblies, bypass valves, etc.		60
2. GIS		60
3. UFPO field experience. Locating equipment		60

**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

<u>Type of Training</u>	<u>Classroom Instruction</u>	<u>Practical Field Time</u>
<b>E. <u>Operating and Repairing Water Distribution System</u></b>	<b>3</b>	<b>1242</b>
Inspecting, testing, servicing, maintaining and repairing components of water distribution system:		
1. <u>Water Main Lines</u>		500
a. Determining location of leak		
b. Large Main Repair (>24")		
c. Identifying joint leak, circular leak, split leak		
d. Making repairs, using various clamps, welding		
e. Cutting and replacing sections of pipe		
f. Washing new and old pipe out with chlorine		
g. Backfilling		
h. Applying temporary cold patch		
2. <u>Valves</u>		371
a. Valve box repairs		
b. Excavating as necessary, installing shoring		
c. Inspecting valves to determine if they open and close properly, valve program.		
d. Repairing or replacing defective valves, stuffing box, gaskets, bolts		
e. Valve installations		
3. <u>Hydrants</u>	1	371
a. Familiarization with various types of hydrants		
b. Opening and closing hydrants		
c. Using gauge to measure pressure		
d. Checking to see if valve can be exercised		
e. Replacing bolts		
f. Hydrant repair	.5	80
g. Hydrant installations	.5	30
4. <u>ARV and PRV</u>	2	
a. Opening pit		
b. Listening and observing to determine if valve is operating		
c. Notifying supervisor if valve is inoperable		
<b>F. <u>Supervision</u></b>	<b>1</b>	<b>80</b>
1. Writing reports	1	
2. Assisting in the training of Water Utility Workers in maintenance and repair procedures.		
3. Exercising supervision at times over a small number of Water Utility Workers on special assignment.		

**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

<u>Type of Training</u>	<u>Classroom Instruction</u>	<u>Practical Field Time</u>
<b>G. Core Instructions Required</b>	<b>74</b>	<b>0</b>
1. Obtain a Commercial Driver's License (CDL)	8	
2. Basic Math	4	
3. Basic Hydraulics	4	
4. Successful completion of Class "D" Chlorinator Training Course	16	
5. Asbestos Pipe Certification	16	
6. Competent Person (Lockout / Tag out, MSDS, Shoring)	6	
7. Confined Space	8	
8. First Aid / CPR	4	
9. Defensive Driving	8	

**H. RELATED INSTRUCTION**

**Safety**

Safety Rules and Practices	29 CFR 1926.21
Personal Protective Equipment	29 CFR 1910.132
Hearing Protection	29 CFR 1910.95
Work Area Protection	
Accident Prevention	29 CFR 1910.145
Right-to-Know (Hazardous Communications)	29 CFR 1910.1200
Protect Your Back	
Confined Space Training	29 CFR 1910.146
Air Monitoring	
Energy Control	29 CFR 1910.147
First Aid/CPR	(minimum 6.5 hrs. every 3
CPR Recertification	yrs) (every year)
Blood-Borne Pathogens	29 CFR 1910.1030
Fire Extinguishers	29 CFR 1910.157
Cold Weather Protection	
First Responder - Hazardous Materials (optional)	

**Mathematics**

Technical Math

**Blueprints**

Introduction to GIS (geographical information system)  
Introduction to Blueprint Reading

**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

**Driving Equipment Operation**

Backhoe Safety Operation  
Front End Pay Loader  
Forklift Training 29 CFR 1910.178  
Bobcat Training  
Vehicle Condition Checks  
Professional Defensive Driving  
Winter Safe Driving  
Auto Accident Investigation

**Tools and Equipment**

Equipment Operation  
Tool Ergonomics  
Saws - chain and pipe cutting  
Compressors  
Pump Operation  
Cutting with Torch  
Basic Welding  
Shoring

**Trade Theory and Science**

Construction Inspection  
Pipe and Fitting Identification  
Pipe and Cable Location  
Pipe Rehabilitation  
Hydrant and Valve  
Sample Hydrant/Valve Seminar  
Hydrant Repair and Placement  
Main Shut Down, Valve Isolation  
Line Valve Repair and Maintenance  
Pressure Reducing Valve  
Underground Facilities Protection Organization

**Other**

Technical Report Writing  
Health Issues in the Workplace  
Sexual Harassment Prevention Training (minimum 3 hours)  
Transition to Leadership  
Stress Training for Reactive Business  
How a Business is run

**A minimum of 100 hours of related instruction is required for each participant for each year.**



**ERIE COUNTY WATER AUTHORITY  
LINE MAINTANENCE OPERATOR'S  
TRAINING PROGRAM**

**I. CRITERIA FOR CREDIT FOR PREVIOUS EXPERIENCE**

1. Previous completed Registered Apprentice Program.
2. Documented courses and/or training that are required by the Work Process Tasks obtained as a result of service in the United States Military.
3. Documented courses and/or training that are required by the Work Process Tasks obtained as a result of employment with an employer other than the Erie County Water Authority that exceeds two times the number of hours outlined in the Work Process.
4. Documented courses and/or training that are required by the Work Process Tasks obtained as a result of employment with the Erie County Water Authority that exceeds two times the number of hours outlined on the Work Process.

Revised 4/2012

Employee:      Date of Hire:

Type of Training	Classroom Instructions	Practical Field Time	Classroom Instructions Required	Practical Field Time Required
<b>A. Tools and Equipment</b>	0	0	0	80
<b>B. Work Area Protection and Safety</b>	0	0	0	180
<b>C. Operating Vehicles and Heavy Equipment</b>	0	0	8	380
<b>D. Map Reading</b>	0	0	0	180
<b>E. Operating and Repairing Water Distribution System</b>	0	0	3	1242
<b>F. Supervision</b>	0	0	1	80
<b>G. Core Instructions Required</b>	0	0	74	0
<b>H. Credit For Related Instructions</b>	0	0	0	0
<b>I. Credit For Previous Experience</b>	0	0	0	0
<b>Total Credit Hours</b>	0	0	86	2142

Licenses Held
Class A CDL is required (Date obtained:      )
Certification by an accredited assessment and certification program (Date obtained:      )

<b>A. Tools and Equipment</b>	0	0	0	80
1. Working in Storeroom	0	0		
a. Become familiar with tools, piping and other materials used on the job.	0	0		
b. Using and caring for hand tools including wrenches, files, pliers. Safety procedures associated with same.	0	0		
c. Using and caring for power tools including pipe saws and metal detectors. Safety procedures associated with same.	0	0		
d. Using and caring for equipment including air hammer, air compressor, water pump, torches, generator, portable welding machine, ladders. Safety procedures associated with same.	0	0		

<b>B. Work Area Protection and Safety</b>	0	0	0	180
1. Setting up work area for safety of crew and public.	0	0		120
a. Using safety cones, flashers, bafflers, and arrow board				
b. Establishing one-way traffic, using flaggers.				
2. Using shoring also helping to assure job site is safe.	0	0		60
3. Lockout/tag out, MSDS	0	0		

<b>C. Operating Vehicles and Heavy Equipment</b>	0	0	8	380
1. Ensuring that vehicles and equipment are adequately stocked.	0	0		40
2. Safe operation of:	0	0	8	340
a. Backhoe/Track Machine (Including successful accredited assessment and certification program).	0	0	8	80
b. High Lift	0	0		40
c. Bobcat with cutter & bucket / Vacuum Trailer	0	0		30
d. Line truck and trailer	0	0		30
e. Hydrant truck with crane	0	0		80
f. Dump truck	0	0		80

<b>D. Map Reading</b>	0	0	0	180
1. Reading and interpreting maps and drawings of the water distribution system to locate valves and water mains. Familiarization with standard detail symbols	0	0		60
2. GIS	0	0		60
3. UFPO field experience.	0	0		60

Type of Training	Classroom Instructions	Practical Field Time	Classroom Instructions Required	Practical Field Time
<b>E. Operating and Repairing Water Distribution System</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1242</b>
Inspecting, testing, servicing, maintaining and repairing components of water distribution system:				
1. Water Main Lines	0	0		500
a. Determining location of leak	0	0		
b. Service Tapping	0	0		
c. Large Main Repair (>24")	0	0		
d. Identifying joint leak, circular leak, split leak	0	0		
e. Making repairs, using various clamps, welding	0	0		
f. Cutting and replacing sections of pipe	0	0		
g. Washing new and old pipe out with chlorine	0	0		
h. Backfilling	0	0		
i. Applying temporary cold patch	0	0		
2. Valves	0	0		371
a. Entering through valve box	0	0		
b. Excavating as necessary, installing shoring	0	0		
c. Inspecting valves to determine if they open and close	0	0		
d. Repairing or replacing defective valves, stuffing box,	0	0		
e. Valve installations	0	0		
3. Hydrants	0	0	1	371
a. Familiarization with various types of hydrants	0	0		
b. Opening and closing hydrants	0	0		
c. Using gauge to measure pressure	0	0		
d. Checking to see if valve can be exercised	0	0		
e. Replacing bolts	0	0		
f. Hydrant repair	0	0	0.5	80
g. Hydrant installations	0	0	0.5	12
4. ARV and PRV	0	0	2	0
<b>F. Supervision</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>80</b>
1. Writing Reports and Familiarization of ECWA records systems	0	0	1	
2. Assisting in the training of Water Utility Workers in maintenance and repair procedures.	0	0		
3. Exercising supervision at times over a small number of Water Utility Workers on special assignment.	0	0		
<b>G. Core Instructions Required</b>	<b>0</b>	<b>0</b>	<b>74</b>	<b>0</b>
1. Obtain a Commercial Driver's License (CDL)	0	0	8	
2. Basic Math	0	0	4	
3. Basic Hydraulics	0	0	4	
4. Successful Completion of Class "D" Chlorinator Training	0	0	16	
5. Asbestos Pipe Certification	0	0	16	
6. Competent Person (Lockout / Tag out, MSDS, Shoring)	0	0	6	
7. Confined Space	0	0	8	
8. First Aid CPR	0	0	4	
9. Defensive Driving	0	0	8	
<b>H. Credit For Related Instructions</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	0	0		
	0	0		
<b>I. Credit For Previous Experience</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	0	0		
	0	0		

Employee:      Date of Hire:

Type of Training	Classroom Instructions Required	Practical Field Time Required	Classroom Instructions Obtained	Practical Field Time Obtained	Classroom Instructions Remaining	Practical Field Time Remaining
------------------	---------------------------------	-------------------------------	---------------------------------	-------------------------------	----------------------------------	--------------------------------

Licenses Held
Class A CDL is required (Date obtained:                    )
Certification by an accredited assessment and certification program (Date obtained:                    )

<b>A. Tools and Equipment</b>	<b>0</b>	<b>80</b>	<b>0</b>	<b>0</b>		<b>80</b>
-------------------------------	----------	-----------	----------	----------	--	-----------

<b>B. Work Area Protection and Safety</b>	<b>0</b>	<b>180</b>	<b>0</b>	<b>0</b>		<b>180</b>
1. Setting up work area for safety of crew and public.		120	0	0		120
2. Using shoring also helping to assure job site is safe.		60	0	0		60
3. Lockout/tag out, MSDS			0	0		

<b>C. Operating Vehicles and Heavy Equipment</b>	<b>8</b>	<b>380</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>380</b>
1. Ensuring that vehicles and equipment are adequately stocked, serviced and in good working order before leaving for worksite.		40	0	0		40
2. Safe operation of:	8	340	0	0	8	340
a. Backhoe/Track Machine (Including successful completion of an accredited assessment and certification program).	8	80	0	0	8	80
b. High Lift		40	0	0		40
c. Bobcat with cutter & bucket / Vacuum Trailer		30	0	0		30
d. Line truck and trailer		30	0	0		30
e. Hydrant truck with crane		80	0	0		80
f. Dump truck		80	0	0		80

<b>D. Map Reading</b>	<b>0</b>	<b>180</b>	<b>0</b>	<b>0</b>		<b>180</b>
1. Reading and interpreting maps and drawings		60	0	0		60
2. GIS		60	0	0		60
3. UFPO field experience.		60	0	0		60

<b>E. Operating and Repairing Water Distribution System</b>	<b>3</b>	<b>1242</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1242</b>
Inspecting, testing, servicing, maintaining and repairing components of water distribution system:						
1. Water Main Lines		500	0	0		500
a. Determining location of leak			0	0		
b. Service Tapping			0	0		
c. Large Main Repair (>24")			0	0		
d. Identifying joint leak, circular leak, split leak			0	0		
e. Making repairs, using various clamps, welding			0	0		
f. Cutting and replacing sections of pipe			0	0		
g. Washing new and old pipe out with chlorine			0	0		
h. Backfilling			0	0		
i. Applying temporary cold patch			0	0		
2. Valves		371	0	0		371
a. Entering through valve box			0	0		
b. Excavating as necessary, installing shoring			0	0		
c. Inspecting valves to determine if they open and close properly			0	0		
d. Repairing or replacing defective valves, stuffing box, gaskets, bolts			0	0		
e. Valve installations			0	0		
3. Hydrants	1	371	0	0	1	371
a. Familiarization with various types of hydrants			0	0		
b. Opening and closing hydrants			0	0		
c. Using gauge to measure pressure			0	0		
d. Checking to see if valve can be exercised			0	0		
e. Replacing bolts			0	0		
f. Hydrant repair	0.5	80	0	0	0.5	80
g. Hydrant installations	0.5	12	0	0	0.5	12
4. ARV and PRV	2	0	0	0	2	

<b>F. Supervision</b>	<b>1</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>80</b>
1. Writing Reports and Familiarization of ECWA records systems	1		0	0	1	
2. Assisting in the training of Water Utility Workers in maintenance and repair procedures.			0	0		
3. Exercising supervision at times over a small number of Water Utility Workers on special assignment.			0	0		

<b>G. Core Instructions Required</b>	<b>74</b>		<b>0</b>	<b>0</b>	<b>74</b>	
1. Obtain a Commercial Driver's License (CDL)	8		0	0	8	
2. Basic Math	4		0	0	4	
3. Basic Hydraulics	4		0	0	4	
4. Successful Completion of Class "D" Chlorinator Training Course	16		0	0	16	
5. Asbestos Pipe Certification	16		0	0	16	
6. Competent Person (Lockout / Tag out, MSDS, Shoring)	6		0	0	6	
7. Confined Space	8		0	0	8	
8. First Aid CPR	4		0	0	4	
9. Defensive Driving	8		0	0	8	

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

<b>Re: WHISTLEBLOWER PROTECTION POLICY &amp; PROCEDURES</b>	<b>Policy No. 16</b>
---	----------------------

-----  
**Application: All Employees**

**Amended: 01/26/2012  
03/24/2020  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

The Erie County Water Authority requires members, ad hoc members, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Authority, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

As part of our ethical responsibility, any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority engaged in by an Authority Employee (as defined herein) that relates to the Authority shall be reported to the appropriate individuals as set forth herein.

## **POLICY**

### **Section 1 Reporting Responsibility.**

It is the responsibility of all members, ad hoc members, officers, and employees to comply with Policy No. 11 Code of Ethics & Conflict of Interest Policy and to report violations or suspected violations in accordance with this Whistleblower Protection Policy.

### **Section 2 No Retaliation.**

No member, ad hoc member, officer, or employee who in good faith reports a violation of Policy No. 11 Code of Ethics & Conflict of Interest Policy shall suffer harassment,

---

<sup>1</sup> This Whistleblower Protection Policy & Procedures restates and replaces H.R. Policy No. 16.0 (Whistleblower Protection Policy).

retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Protection Policy is intended to encourage and enable employees and others to raise serious concerns within the Authority prior to seeking resolution outside the Authority.

### **Section 3 Reporting Violations.**

All Authority Employees who discover or have knowledge of potential wrongdoing concerning board members, ad hoc members, officers, or employees of this Authority; or a person having business dealings with the Authority; or concerning the Authority itself, shall report such activity in accordance with the following procedures:

- (a) The Authority Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the Authority's General Counsel, the Director of Human Resources, or any member of the Independent Ethics Panel.
- (b) All Authority Employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- (c) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- (d) Any report of potential wrongdoing shall be investigated and handled in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- (e) Should an Authority Employee believe in good faith that disclosing information within the Authority pursuant to Section 3(a) above would subject him or her to adverse personnel action or be ineffective, the Authority Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The Authorities Budget Office's toll-free number (1-800-560-1770) should be used in such circumstances.

### **Section 4 Compliance Officials.**

The Office of the Secretary and the Independent Ethics Panel with assistance from the Authority's Legal Department are responsible for investigating and resolving all reported complaints and allegations concerning violations of Policy No. 11 Code of Ethics & Conflict of Interest Policy and will report, on a confidential basis, all allegations to the Board of Commissioners (the "Board"). The Board has the authority to provide funds for investigations as required.

## **Section 5 Acting in Good Faith.**

Information concerning potential wrongdoing is disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

## **Section 6 Confidentiality.**

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

## **Section 7 Handling of Reported Violations.**

The Authority’s General Counsel, the Director of Human Resources, a supervisor, or any member of the Independent Ethics Panel to whom notice of the reported violation or suspected violation was given will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

## **Section 8 Employees.**

All board members, and officers and staff employed at the Authority whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees and former employees shall be considered employees for the purposes of applicability of this policy.



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

<b>Re: DUTIES AND RESPONSIBILITIES OF THE BOARD OF COMMISSIONERS</b>	<b>Policy No. 17</b>
-----	
<b>Application: ECWA Board of Commissioners</b>	<b>Adopted: 04/03/2008</b> <b>Amended: 10/20/2022<sup>1</sup></b> <b>09/20/2023</b>

## **DUTIES AND RESPONSIBILITIES**

### **Section 1**

The Commissioners of the Erie County Water Authority shall perform the following duties and assume the following responsibilities in their role as Commissioner:

**1.1** The Commissioners shall discharge the duties of their office as outlined in Article IV of the Authority's By-Laws as currently adopted.

**1.2** The Commissioners shall perform all their duties and responsibilities outlined in Article 5, Title 3, Sections 1050 through 1073 of the Public Authorities Law, otherwise referred to as the Erie County Water Authority Act.

**1.3** The Commissioners shall:

- (a) Execute direct oversight of the Authority's Executive and Senior Staff in the effective and ethical management of the Authority;

---

<sup>1</sup> This Duties and Responsibilities of the Board of Commissioners Policy replaces H.R. Policy Nos. 17.0 (Duties and Responsibilities of ECWA Board Members) and 18.0 (Long Term Strategic Planning).

- (b) Understand, review, and monitor the implementation of fundamental financial and management controls and operational decisions of the Authority;
- (c) Establish policies regarding the payment of salary, compensation, and reimbursements to, and establish rules for the time and attendance of the executive and senior staff;
- (d) Adopt a code of ethics applicable to each officer, director, and employee that, at a minimum, includes the standards established in section seventy-four of the Public Officers Law;
- (e) Establish written policies and procedures on personnel including policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member of the authority, investments, travel, the acquisition of real property and the disposition of real and personal property and the procurement of goods and services; and
- (f) Adopt a defense and indemnification policy and disclose such plan to all prospective board members.

**1.4** The Commissioners shall strive to participate in such continuing training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of public authorities and to adhere to the highest standards of responsible governance.

**1.5** No board member, including the chairperson, shall serve as the Authority's chief executive officer, executive director, chief financial officer, comptroller, or hold any other equivalent position while also serving as a member of the board.

**1.6** The Commissioners shall establish an audit committee. The committee shall recommend to the full board the hiring of a certified independent accounting firm for the Authority, establish the compensation to be paid to the accounting firm and provide direct oversight of the performance of the independent audit performed by the accounting firm hired for such purposes.

**1.7** To the extent practicable, members of the audit committee should be familiar with corporate financial and accounting practices.

**1.8** The Commissioners shall establish a governance committee. It shall be the responsibility of the members of the governance committee to keep the board informed of current best governance practices; to review corporate governance trends; to update the Authority's corporate governance principles; and to advise appointing authorities on the skills and experiences required of potential board members.

**1.9** The Commissioners shall establish a finance committee. It shall be the responsibility of the members of the finance committee to oversee the Authority's debt and debt practices and to recommend policies concerning the Authority's issuance and management of debt.

**1.10** In consultation with the Executive and Senior Staff, the Board shall adopt, review, and revise as warranted a long-range strategic plan which will allow the Authority to support and fulfill its mission. The Executive Staff will be charged with the responsibility for developing planning frameworks, methodologies and operating plans and will provide an annual review and update of the long-range strategic plan to the Board of Commissioners in a timely manner such that current and future budgets presented to the Commissioners for consideration are consistent with the Authority's mission and long-term strategic plan.

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

**Re: EMPLOYEE PERFORMANCE REVIEWS Policy No. 27  
& SALARY INCREMENT POLICY &  
PROCENDURES**

**Application: All Employees**

**Amended: 08/20/2015  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To ensure proper evaluation of employee performance and promote constructive feedback from supervisors. To provide eligible employees the opportunity to receive salary increases based on merit and the quality of the employee's performance (or as otherwise specified in a collective bargaining agreement).

## **POLICY**

The Erie County Water Authority has adopted the Employee Performance Evaluations & Salary Increment Policy & Procedures to ensure all employees are subject to annual performance evaluations and have been given constructive feedback from their superiors. Based on merit and the quality of the employee's performance, the Authority has the discretion to award salary increases by incremental steps within a title's salary grade.

## **PROCEDURE**

### **Section 1 Annual Employee Performance Reports.**

#### **1.1 Procedure.**

- (a) The Human Resources Department will distribute Annual Employee Performance Report forms to Department Heads, for

---

<sup>1</sup> This Employee Performance Reviews & Salary Increment Policy & Procedures replaces H.R. Policy No. 27.0 (Employee Performance Reviews & Salary Increments) and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

those employees reaching the annual anniversary of their date of hire.

- (b) These Annual Employee Performance Reports must be completed, reviewed with the employee, and returned to the Human Resources Department within two weeks of the date that they are issued.

## **1.2 Types of Annual Performance Reports.**

There are three types of Annual Employee Performance Reports:

- (a) Employee Non-Management Employee Annual Performance Report
- (b) Supervisory, Managerial or Confidential Employee Annual Performance Report, or
- (c) Seasonal Employee Evaluation.

## **Section 2 Increments.**

### **2.1 Eligibility.**

- (a) In January and July, increments are awarded, at the sole discretion of the Authority, based on merit and quality of job performance.
- (b) All salary increments are dependent on a satisfactory performance review on the employee's annual employee performance reports.
- (c) An Employee Performance Report which is more than one year old will not be acceptable for the consideration of an increment.
- (d) In the event the employee has not had a performance review in the last 12 months, an annual employee performance report must be completed to determine eligibility for the increment.

### **2.2 Permanent Employees or Promoted Employees.**

- (a) Employees permanently appointed or promoted to a position and that have successfully completed probation become eligible for an increment after being in that position for a period of six (6) months.

- (b) The six months must be served prior to the increment award date.

### **2.3 Temporary, Contingent Permanent, or Provisional Employees.**

- (a) Employees appointed or promoted to a position on a temporary, contingent permanent, or provisional basis become eligible for an increment after being in that position for a period of six (6) months.
- (b) The six months must be served prior to the increment award date.
- (c) If a temporary, contingent permanent, or provisional employee becomes permanent following his or her provisional promotion or appointment and has completed at least six (6) months of service in that position, prior to the next increment award date, that employee will be eligible for an increment at that time.
- (d) If an employee is provisionally promoted and is subsequently returned to their previous position having missed an increment due to the promotion, said increment may be awarded at the time the employee is returned to the previous position. No lapse in time for increment eligibility will occur.

### **2.4 Employees in Job Titles Pending Classification.**

- (a) Employees appointed to job titles which have not been classified by the Erie County Personnel Department, acting as the Civil Service Commission, become eligible for an increment after being in that position for a period of six (6) months.
- (b) The six months must be served prior to the increment award date.

### **2.5 Employees in New Positions in Same Salary Grade.**

Employees who are appointed to a new position within the same salary grade continue to be eligible to receive increments just as if they were still in their previous position.

## **2.6 Employees on Leave of Absence.**

If an employee is on a leave of absence for more than half of the performance review period, an accurate measure of work performance cannot be made; therefore, the employee will not become eligible for any further increments until he or she has returned to active employment for at least six (6) months during a one-year increment period.

## **2.7 Seasonal Employees.**

Each seasonal employee is to be evaluated once during his or her term of employment. Evaluations are to be conducted by the employee's supervisor and recorded on a Seasonal Employee Evaluation form.

# **Section 3 Additional or Longevity Increments.**

In January, regardless of an employee's anniversary date, the Authority provides longevity increments to applicable employees.

## **3.1 First Longevity.**

- (a) ***All Employees.*** When an employee holding a position allocated to a salary grade prescribed in the Erie County Water Authority's Career and Salary Plan has reached a salary equal to or in excess of the maximum salary of the grade of his or her position and thereafter has rendered continuous service in such position or in a position in the same salary grade for a period of five years in the aggregate, he or she shall be eligible on the first day of the fiscal year following completion of such service to receive an additional increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports, and that the wages of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his or her position plus one (1) additional increment of such grade.

### **3.2 Second Longevity.**

(a) ***White-Collar Employees.*** When an employee has received his or her first longevity increment in accordance with the provisions of Section 3.1 and continues in the same position for an additional four (4) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be eligible on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports, and that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his or her position plus two (2) additional increments of such grade.

(b) ***Blue-Collar or Non-Represented Employees*** When an employee has received his or her first longevity increment in accordance with the provisions of Section 3.1 and continues in the same position for an additional five (5) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be eligible on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports, and that the salary of such employee shall not be increased pursuant to this provision to an amount in excess of the maximum salary of the grade of his or her position plus two (2) additional increments of such grade.



### 3.3 **Third Longevity.**

(a) ***White-Collar Employees.*** When an employee has received his or her first and second longevity increments in accordance with the provisions of the above paragraphs and continues in the same position for an additional four (4) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports, and that the salary of such employee shall not be increased, pursuant to this provision, to an amount in excess of the maximum salary of the grade of his or her position plus three (3) additional increments of such grade.

(b) ***Blue-Collar or Non-Represented Employees.*** When an employee has received his or her first and second longevity increments in accordance with the provisions of the above paragraphs and continues in the same position for an additional five (5) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports, and that the salary of such employee shall not be increased, pursuant to this provision, to an amount in excess of the maximum salary of the grade of his or her position plus three (3) additional increments of such grade.

### **3.4 Fourth Longevity.**

(a) ***White-Collar Employees.*** When an employee has received his or her first, second and third longevity increments in accordance with the provisions of the above paragraphs and continues in the same position for an additional four (4) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports and that the salary of such employee shall not be increased, pursuant to this provision, to an amount in excess of the maximum salary of the grade of his or her position plus four (4) additional increments of such grade.

(b) ***Blue-Collar or Non-Represented Employees.*** When an employee has received his or her first, second and third longevity increments in accordance with the provisions of the above paragraphs and continues in the same position for an additional five (5) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated, provided however, that the employee has received satisfactory performance reviews on their employee annual performance reports and that the salary of such employee shall not be increased, pursuant to this provision, to an amount in excess of the maximum salary of the grade of his or her position plus four (4) additional increments of such grade.

### 3.5 Fifth Longevity.

- (a) ***White-Collar Employees.*** When an employee has received his or her first, second, third and fourth increment in accordance with the provisions of the above paragraphs and continues in the same position for an additional four (4) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated provided, however, that the employee has received satisfactory performance reviews on their employee annual performance reports and that the salary of such employee shall not be increased, pursuant to this position, to an amount in excess of the maximum salary of the grade of his or her position plus five (5) additional increments of such grade.
- (b) ***Blue-Collar or Non-Represented Employees.*** When an employee has received his or her first, second, third and fourth increment in accordance with the provisions of the above paragraphs and continues in the same position for an additional five (5) years (or as otherwise specified in a collective bargaining agreement) without increments, he or she shall be entitled on the first day of the fiscal year following completion of such service to receive an additional longevity increment of the grade to which his or her position is allocated provided, however, that the employee has received satisfactory performance reviews on their employee annual performance reports and that the salary of such employee shall not be increased, pursuant to this position, to an amount in excess of the maximum salary of the grade of his or her position plus five (5) additional increments of such grade.

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

**Re: INCLEMENT WEATHER**

**Policy No. 28**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To establish guidelines concerning the designation of inclement weather days.

## **POLICY**

It is the policy of the Authority to operate according to normal hours and policies under most conditions. However, days may occur when weather conditions make it hazardous for employees to arrive at their workstations at their scheduled starting time. In such cases, the Secretary to the Authority may designate the day an “inclement weather” day.

## **PROCEDURE**

### **Section 1 Procedure.**

**1.1** Reasonable and necessary lateness caused by inclement weather on officially designated days will not be considered a chargeable absence.

**1.2** If weather conditions deteriorate following the start of a work shift, an inclement weather day may be designated. In such situations, reasonable and necessary permission to leave before the end of the shift may be granted to employees on an individual basis by the Department or Division Head and, if granted, will not count as a chargeable occurrence in administering the attendance policy.

**1.3** Employees have the responsibility to contact their supervisor when weather conditions are such that an inclement weather day might be declared. The supervisor will inform the employee whether an inclement weather day exists and what procedures to follow concerning work schedules.

**1.4** Any official general announcements regarding facility closings or altered work schedules due to inclement weather shall be broadcast on WBEN-AM radio, on Twitter, and posted on Facebook and the ECWA website.

---

<sup>1</sup> This Inclement Weather Policy replaces H.R. Policy No. 28.0 (Inclement Weather).

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

<b>Re:</b>	<b>ECWA TIMEKEEPING RULES</b>	<b>Policy No. 29</b>
-----		
<b>Application:</b>	<b>All Employees</b>	<b>Amended: 02/07/2019 10/20/2022<sup>1</sup> 09/20/2023</b>

**POLICY**

In accordance with the timekeeping rules established by the New York State and Local Retirement System, the Erie County Water Authority has adopted this Policy and the following procedures to ensure all employees receive accurate service credits and compensation for days worked and in accordance with any applicable collective bargaining agreement.

**PROCEDURES**

**Section 1 White Collar Employees.**

**1.1 Timekeeping.** White Collar Employees represented by the CSEA, Local 1000 are required to utilize daily time sheets which document the number of hours worked each day and any benefit time used and are subject to the following rules:

- (a) All employees must sign in when they begin work, and out at the end of the day.
- (b) Unproductive time (i.e., vacation, sick leave, personal leave) should be noted on the time sheet.

---

<sup>1</sup>This ECWA Timekeeping Rules Policy consolidates and replaces H.R. Policies No. 22.0 (Hours of Work), 23.0 (Compensatory Time), 24.0 (Call-In Pay), 25.0 (Overtime), and 26.0 (Shift Premium Pay) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

- (c) Time sheets will be kept in a designated area within the department, or another centrally located area. No employee will keep his or her own timesheet separate from other employees or at their workstation.
- (d) Employees may not leave the facility during their fifteen-minute break periods without permission from their immediate supervisor.
- (e) At the end of the day, each employee will indicate the number of hours worked and sign the sheet.
- (f) The Unit or Department Head will review each sheet for accuracy, sign it and forward it to the Payroll Department.
- (g) Payroll will review the time sheets for completeness and verification of benefit time used.

## **1.2 Hours of Work.**

- (a) *Payroll Week.* For the payment of wages and the determination of overtime work, a payroll week shall consist of seven (7) consecutive days beginning at 12:01 a.m. Monday and continuing until Midnight the following Sunday.
- (b) *Work Week.* A work week shall consist of not more than forty (40) work hours, within a calendar week, of not more than eight (8) work hours each day. Each employee shall receive two (2) consecutive days off each week.
- (c) *Pay Date.* All employees eligible under this agreement will be paid weekly. All payments for overtime and out-of-title work will be made in the following payroll.

- (d) *Starting and Quitting Time.* Employees recognize that the unit contains job classifications with different starting and quitting times as well as different lunch hour rules.
- (e) *Lunch Hours.* Some employees represented under this Agreement receive paid lunch hours while others have unpaid lunch hours. The length of the lunch hours is of different duration.
- (f) *Change of Schedule.* The Authority will notify the employee at least seven (7) days prior to implementation when an employee's work schedule or lunch period will be changed.
- (g) *Night Shift Differential.* The Authority will pay a night shift differential of one dollar (\$1.00) per hour for employees whose assignment begins at 4:00 pm or later in addition to the straight time rate for all hours worked on such shifts.
- (h) *Overtime Pay.*
  - (1) Employees should make every effort to perform their work within their regularly scheduled hours of work.
  - (2) Overtime work shall be performed only in cases of emergency and when authorized by an employee's immediate Supervisor or Department Head. No payment shall be made for overtime work unless such payment is authorized in writing.
  - (3) Overtime compensation will be paid at the rate of one and one-half (1-1/2) times the employee's hourly rate of pay for all hours worked or compensatory time at the rate of one and one-half (1-1/2) hours for each hour worked up to fifty (50) hours maximum accumulative time for:
    - (a) All hours worked over eight (8) in one day and over forty (40) hours in any one work week.
    - (b) All hours worked by an employee on his/her normal day off, provided the employee shall have worked his/her regularly scheduled days or was absent due to a paid leave day during a week aggregating a total of forty (40) hours.

- (c) Employees required to work on a holiday will be paid time and one-half for the number of hours worked on that day, in addition to the regular pay for the holiday; with the exception of the actual day of Thanksgiving, Christmas Eve and Christmas Day, which will be paid at the rate of double time (2 times) in addition to the contractual holiday pay.
- (4) Distribution of overtime. Employees should refer to their current collective bargaining agreement for provisions relating to the distribution of overtime.
- (5) Mandatory Overtime. Employees should refer to their current collective bargaining agreement for mandatory overtime provisions and related pay under these circumstances.

## **Section 2 Blue Collar Employees.**

**2.1 Timekeeping.** Blue-Collar employees, represented by the Brotherhood of Western New York Water Workers (Brotherhood), are required to use time clocks. Benefit time is reported on daily crew tickets by supervisors. Blue-Collar employees are also subject to the following rules:

- (a) All employees will punch in at the later of the beginning of their shift or when they report for work, and out at the end of their shift.
- (b) If an ID card is lost or forgotten, the General Crew Chief, Meter or the Water Treatment Plant Operator Crew Chief must complete a no-punch report to be signed by the employee and the supervisor.
- (c) Daily Crew Tickets are also prepared to record hours worked, supplemental rate codes, and benefit time and are signed by the employees and their supervisors

### **2.2 Hours of Work.**

- (a) *Payroll Week.* For the payment of wages and the determination of overtime work, a payroll week shall consist of seven (7) consecutive days beginning at 12:01 a.m. Monday and continuing until Midnight the following Sunday.



(b) *Work Week.*

- (1) Non-shift Employees. A work week shall consist of forty (40) hours, five (5) consecutive days of eight (8) hours each, Monday to Friday inclusive. Saturdays and Sundays shall be considered days off.
- (2) Line Maintenance Employees will work from 7:30 a.m. to 3:30 p.m. from Labor Day through April 30<sup>th</sup>. From May 1<sup>st</sup> through Labor Day, the hours of work in Line Maintenance will be 7:00 a.m. to 3:00 p.m.
- (3) Meter Shop Workers will either work from 8:00 a.m. to 4:00 p.m. or 11:00 a.m. to 7:00 p.m. No more than three (3) Meter Service Workers will be assigned to an 11:00 a.m. start time.
- (4) Lunch Break. All employees will receive a one half-hour paid lunch break during their scheduled hours of work.
- (5) Shift Employees. A work week shall consist of forty (40) hours, five (5) days of eight (8) hours each, within a payroll week, which will necessarily include Saturdays, Sundays, and holidays. An employee's first day off shall be considered his or her Saturday and his or her second day off as his or her Sunday.

(a) Shift Hours. The starting and ending time for shift operations shall be:

First Shift:	11:30 p.m. to 7:30 a.m.
Second Shift:	7:30 a.m. to 3:30 p.m.
Third Shift:	3:30 p.m. to 11:30 p.m.

(b) Lunch Break. All employees working an eight (8) hour shift will include a will receive a one half-hour paid lunch break during their shift.

(6) Change in work week or shift assignment. In the event the Authority deems necessary any change in the work week or shift assignment, the employee will be notified in writing, with a copy forwarded to the Union Secretary, within seven (7) calendar days, except for Relief Operators, who will be orally notified within twenty-four (24) hours in advance of the proposed change.

(7) Shift Differential.

(a) An employee working a regularly scheduled shift which begins between 3:30 p.m. and 6:00 a.m., shall be paid one dollar (\$1.00) an hour in addition to his or her straight time rate for all time worked on such shifts.

(b) An employee working a 7:30 a.m. to 3:30 p.m. scheduled shift shall be paid one dollar (\$1.00) an hour in addition to his or her straight time rate for all time worked on Saturday or Sunday.

(c) Relief Operator Assignment Differential. For hours worked not to exceed eight (8) hours per day or forty (40) hours per week, the relief operator shall be paid forty-five (45) cents per hour in addition to his or her straight-time rate.

(d) Hours worked within the provision of this section are considered straight-time hours. Hours worked outside of these provisions are considered overtime hours.

(8) Overtime Pay.

(a) Employees should make every effort to perform their work within their regularly scheduled hours of work.

(b) Overtime work shall be performed only in cases of emergency and when authorized by an employee's immediate Supervisor or Department Head. No payment shall be made for overtime work unless such payment is authorized in writing.

- (c) At the direction of the General Crew Chief, a work crew engaged in an assignment will complete the assignment even if overtime work is required, unless a member of the crew notifies the Crew Chief prior to one (1) hour before the end of the shift of his/her unavailability to work overtime on that day.
- (d) Overtime compensation will be paid at the rate of one and one-half (1-1/2) times the employee's hourly rate of pay for:
  - (1) All hours worked over eight (8) in one day and over forty (40) hours in any one work week.
  - (2) All hours worked by an employee on his/her normal day off, provided the employee shall have worked his/her regularly scheduled days or was absent due to a paid leave day during a week aggregating a total of forty (40) hours.
  - (3) Holiday Pay. Employees should refer to their current collective bargaining agreements for provisions and rates of pay for work performed on designated holidays.
  - (4) Distribution of overtime. Employees should refer to their current collective bargaining agreement for provisions relating to the equitable distribution of and limits to overtime.

### **Section 3 Non-Represented Employees.**

#### **3.1 Timekeeping.**

- (a) Non-Represented employees in pay grade 28E and *below* are required to complete biweekly time sheets which document the number of hours worked each day and any benefit time used.
- (b) Non-Represented employees in pay grade 29E and *above* are required to complete biweekly time sheets which document the number of days worked during the biweekly period and any benefit time used.

- (c) Part-time employees in unclassified, hourly positions are required to report the number of hours worked during the biweekly pay period.
- (d) Each non-represented employee will complete and sign the appropriate form for the entire biweekly period
- (e) The Unit or Department Head will review each sheet for accuracy, sign it and forward it to the Payroll Department.
- (f) Payroll reviews the time sheets for completeness and verification of benefit time used.

### **3.2 Hours of Work.**

- (a) *Payroll Week.* For the payment of wages, the work week begins at 12:01 a.m. Monday and runs through 12:00 midnight Sunday.
- (b) *Work Week.* A regular work week shall consist of not more than forty (40) work hours within five (5) consecutive days. Each employee shall receive two (2) consecutive days off each week. Most employees will receive Saturday and Sunday off. The normal workday shall consist of eight consecutive hours of work.
- (c) *The schedule of hours* for employees shall be determined by the department or office to which they are assigned. Employees shall be informed of their daily schedule of hours of work, including meal period, and of any changes deemed necessary by the Authority.

### **3.3 Rules for Non-Represented Employees in Pay Grade 28E and Below.**

- (a) Call back pay. Employees in pay grade 28E and below will be paid one and one-half times their regular straight time rate when they are called back to work after their regular hours of work and before their next scheduled workday. A minimum of four (4) hours call-in pay shall be guaranteed in such cases.

(b) Overtime Pay.

- (1) Employees should make every effort to perform their work within their regularly scheduled hours of work.
- (2) Overtime work performed by the employee shall be performed only when authorized by an employee's immediate Supervisor or Department Head, except for employees who are called out on emergency repairs, employees must receive pre-approval from their Supervisor and Department Head before working overtime.
- (3) Overtime compensation will be paid at one and one-half (1-1/2) times the employee's regular straight time rate for:
  - All hours worked over eight (8) in one day and over forty (40) hours in any one work week.
  - All hours worked by an employee on his/her normal day off, provided the employee shall have worked his/her regularly scheduled days or was absent due to a paid leave day during a week aggregating a total of forty (40) hours.
  - Employees required to work on a holiday will be paid time and one-half for the number of hours worked on that day, in addition to the regular pay for the holiday.
- (4) Employees in pay grade 28E and below are not eligible for shift premium.
- (5) Employees in pay grade 28E and below are not entitled to accumulate compensatory time.
- (6) There shall be no duplication of overtime pay for the same hours worked.

**3.4 Rules for Non-Represented Employees in Pay Grade 29E and Above.**

(a) Employees in pay grade 29E and above are *not eligible* for:

- shift premium; or
- compensatory time; or
- overtime compensation.

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

**Re: HOLIDAYS**

**Policy No. 40**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To recognize the observance of certain holidays as a day off with pay for employees not subject to a Collective Bargaining Agreement (CBA).

## **POLICY**

It is the policy of the Authority to observe certain holidays each year. Each holiday observed by the Authority will be a day off with pay.

## **PROCEDURE**

### **Section 1 Holiday Schedule.**

- 1.1 Employees not subject to a CBA** shall receive a regular day's pay for the following holidays, even though not worked:

New Year's Day	Labor Day
Washington's Birthday (Presidents Day)	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	Christmas Eve Day
Independence Day	Christmas Day

- 1.2 Employees subject to a CBA** should refer to their applicable CBA.

---

<sup>1</sup> This Holidays Policy replaces H.R. Policy No. 40.0 (Holidays).

## **Section 2 Eligibility for Holiday Pay.**

**2.1** An employee is eligible for holiday pay provided he/she worked his/her last scheduled workday immediately preceding the holiday and on his/her next scheduled workday immediately after the holiday unless an employee's absence on these days is an excused absence with pay within the terms of this manual.

## **Section 3 Observation of Holiday.**

**3.1** Whenever one of the foregoing holidays falls on a Saturday, such holiday shall be observed on the preceding Friday.

**3.2** Whenever one of the foregoing holidays falls on a Sunday, such holiday shall be observed on the following Monday.

## **Section 4 Working on an Observed Holiday.**

**4.1** An employee requested to work on a day celebrated as a holiday shall be paid at the rate of time and one-half for all hours worked on said day in addition to the holiday pay.

## **Section 5 Periods of Worship or Commemoration.**

**5.1** The Authority recognizes that an employee may wish to observe, as periods of worship or commemoration, certain days which are not included in the holiday schedule. Accordingly, an employee who desires to take a day off for such reason shall be permitted to do so, provided the employee's absence from work does not result in an undue hardship in the conduct of the Authority's business. Employees may use vacation or a personal leave day on such occasions, or they may request a leave of absence without pay.



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

**Re: VACATION POLICY &  
PROCEDURES**

**Policy No. 41**

-----  
**Application: Non-Represented Employees**

**Amended: 12/20/2018  
10/20/2022<sup>1</sup>  
06/22/2023  
09/20/2023**

## **PURPOSE**

To provide employees not represented by a collective bargaining unit with time off from work with pay for the purpose of rest and relaxation.

## **POLICY**

It is the policy of the Authority to grant annual vacations with pay to employees in any full-time position. Employees who are represented by a collective bargaining unit will be entitled to annual vacations as set forth in the collective bargaining agreement. This policy applies only to non-represented employees.

## **PROCEDURE**

### **Section 1**

**1.1 Anniversary Date.** The employee's anniversary date is defined as each anniversary of the date the employee began employment with the Authority.

**1.2 Annual Vacation.** The Authority will grant annual vacation with pay to employees on an anniversary date basis.

---

<sup>1</sup> This Vacation Policy & Procedures for Non-Represented Employees revises and replaces H.R. Policy No. 41.0 (Vacations).

**1.3 Earning Vacation Credits.** An employee shall earn vacation credits based upon total accrued service on their anniversary date in any full-time position.

**1.4 Availability of Vacation Credits.** Vacation credits will accrue and be available for use on a bi-weekly basis for full time employees after the first pay period of employment.

**1.5 Rate of Accrual of Vacation.**

- (a) Employees will be credited with 1/26th of their annual vacation credits each pay period.
- (b) Vacation credits may not be used in the same pay period in which they are earned.

**Section 2 Vacation Credit Schedule.**

Employees shall be entitled to vacation credits as follows:

<u>Service Period</u>	<u>Annual Vacation Credits</u>	<u>Rate Per Pay</u>
The date of hire up to third (3 <sup>rd</sup> ) anniversary	10 days	3.08 hours
From third anniversary date up to eleventh (11 <sup>th</sup> ) year anniversary date	15 days	4.62 hours
From 11 <sup>th</sup> up to 12 <sup>th</sup> year anniversary	16 days	4.92 hour
From 12 <sup>th</sup> up to 13 <sup>th</sup> year anniversary	17 days	5.23 hours
From 13 <sup>th</sup> up to 14 <sup>th</sup> year anniversary	18 days	5.54 hours
From 14 <sup>th</sup> up to 15 <sup>th</sup> year anniversary	19 days	5.85 hours
From 15 <sup>th</sup> up to 18 <sup>th</sup> year anniversary	20 days	6.15 hours
From 18 <sup>th</sup> up to 19 <sup>th</sup> year anniversary	21 days	6.46 hours
From 19 <sup>th</sup> up to 20 <sup>th</sup> year anniversary	22 days	6.77 hours
From 20 <sup>th</sup> up to 21 <sup>st</sup> year anniversary	23 days	7.08 hours

From 21 <sup>st</sup> up to 22 <sup>nd</sup> year anniversary	24 days	7.38 hours
From 22 <sup>nd</sup> anniversary date	25 days	7.69 hours

### **Section 3 Additional Vacation Time to Attract Qualified Candidates**

The Secretary to the Authority may offer additional vacation time (not to exceed two weeks) to newly hired employees as a one-time incentive for the purpose of attracting qualified applicants to these management positions.

### **Section 4 Limits on Vacation Use.**

**4.1 Consecutive Vacation Time.** No more than two (2) weeks of continuous vacation shall be taken consecutively unless the Authority or its designee shall determine that the taking of such third, fourth or fifth consecutive week will not interfere with its operations.

#### **4.2 Accumulation of Vacation Credits.**

- (a) Vacation credits may be accumulated up to thirty (30) days.
- (b) An employee's vacation credit accumulation may exceed the maximum, provided, however, that the employee's balance of vacation credits may not exceed 30 days on January 1 of any year.

**4.3 Vacation Rate of Pay.** Vacation pay shall equal the straight time hourly rate.

### **Section 5 Vacation Schedule and Choices.**

#### **5.1 Vacation Schedule.**

- (a) Each January, the Human Resources Director or his designee shall issue to each department head a packet for all employees within their units to be used for making annual vacation choices.
- (b) Each packet will contain individual forms for each employee to use in filling out and requesting his/her vacation choices.

#### **5.2 Choice of Vacation Time.**

- (a) As far as practical, vacations shall be scheduled at the time requested by eligible employees.
- (b) The first right of allotment of vacation periods exceeding two (2) consecutive weeks is entirely reserved to the Authority to insure the operation of its facilities and services.
- (c) Within the above limits, vacations will be granted on a departmental basis considering the total length of service of the Authority's employees therein.
- (d) This policy shall not prohibit the taking of one (1) week at a time.

### **Section 6 Vacation Time Compensation Upon Leaving the Authority.**

When an employee leaves the Authority for any reason, or when he/she dies having accumulated unused vacation time, he/she or their beneficiaries shall be entitled to be compensated monetarily at the regular rate of pay for his/her unused vacation time.

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

**Re: INSURANCE BENEFITS**

**Policy No. 43**

-----  
**Application: All Employees**

**Amended: 12/18/2008  
02/12/2009  
11/30/2009  
12/16/2010  
06/26/2014  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide a comprehensive and competitive program of employee insurance benefits.

## **POLICY**

It is the policy of the Authority to make available to active employees, insurance benefits designed to safeguard the health of Authority employees and their families, provide income replacement to employees in the event of loss of regular earnings due to long-term disability, and provide a level of financial protection to families in the event of the death of an employee. The benefit descriptions contained herein are intended as a summary only. The official terms of the Authority's insurance plans are contained in plan documents and/or the respective Collective Bargaining Agreements (CBA's), if applicable.

## **PROCEDURE**

### **Section 1 Medical Insurance.**

---

<sup>1</sup> This Insurance Benefits Policy replaces H.R. Policy No. 43.0 (Insurance Benefits) for all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

**1.1 New Employees.** Newly hired employees shall first become eligible for either single or family coverage on the first of the month following their date of active employment.

**1.2 Employee Coverage.**

(a) The Authority shall provide as its insurance plan a traditional point of service (POS) type contract through funds collected by the Labor/Management Health Coalition, Inc. (LMHC) contracting with the Labor Management Health Fund (LMHF).

(b) The POS Plan includes coverage for medical, prescription, mental healthcare, substance abuse treatment, out-of-network coverage, and other named services.

**1.3 Plan Options.** Employees will have the option of participating in the Core Plan, the Enhanced Plan, or the Value Plan.

(a) **Core Plan.**

(1) *Union Employees hired before July 26, 2012*, make the following contribution for annual coverage:

- White-Collar employees contribute \$1,650 per year for a family plan and \$550 per year for single coverage and the Authority pays remaining annual premium costs.
- Blue-Collar employees contribute \$2,000 per year for a family plan and \$700 per year for single coverage and the Authority pays remaining annual premium costs.

(2) *Union Employees hired on or after July 26, 2012*, the Authority will pay eighty-five (85%) percent of the cost of the Core Plan for single and family coverage. The Employee shall contribute fifteen (15%) percent of the monthly premium cost of the Core Plan for single and family coverage for the duration of that individual's employment and during retirement (if eligible for Authority contributions towards retiree health insurance premiums, including fifteen percent (15%) of any increases).

(3) ***Non-Represented Employees***, effective January 1, 2011, the Authority shall pay eighty-five (85%) percent of the cost of the Core Plan for single and family coverage. The Employee shall contribute fifteen (15%) percent of the monthly premium cost of the Core Plan.

(b) **Enhanced Plan.**

(1) ***Union Employees hired before July 26, 2012***, for those employees that elect to enroll in the Enhanced Plan, the employee shall be required to pay the difference in cost between the Enhanced Plan and the Authority's share of the cost of the Core Plan as established in section 1.3 above.

(2) ***Union Employees hired on or after July 26, 2012***, the employee shall be required to pay the difference in cost between the Enhanced Plan and the Authority's share of the Core Plan.

(3) ***Non-Represented Employees***, the employee shall be required to pay the difference in cost between the Enhanced Plan and the Authority's share of the Core Plan.

(c) **Value Plan.**

(1) ***White-Collar Employees***. For employees enrolled in the Value Plan, the Authority shall deduct the difference in the monthly premium cost between the amount of the Authority's contribution toward the cost of the Core Plan as established in subparagraph "(a)" above.

(2) ***Blue-Collar Employees***.

(a) The Authority shall pay eighty-five (85%) percent of the cost of the Core Plan for single and family coverage. The Employee shall contribute fifteen (15%) of the monthly premium cost of the Core Plan.

(b) For employees who choose the Value Plan, the Authority shall deposit fifty (50%) percent of the difference in the monthly premium cost between the Core Plan and the Value Plan in an IRS Section 105-H

account. Monies deposited in such account shall roll over year to year until either funds are expended, death of the employee, or termination/separation of the employee. Upon the happening of any of the foregoing events, any unexpended funds shall revert to the Authority.

**(3) *Non-Represented Employees.***

(a) The Authority shall pay eighty-five (85%) percent of the cost of the Value Plan for single and family coverage. The Employee shall contribute fifteen (15%) of the monthly premium cost of the Value Plan.

(b) The Authority shall deposit fifty (50%) percent of the difference in the monthly premium cost between the Core Plan and the Value Plan in an IRS Section 105-H account. Monies deposited in such account shall roll over year to year until either funds are expended, death of the employee, or termination/separation of the employee. Upon the happening of any of the foregoing events, any unexpended funds shall revert to the Authority.

**1.4 Employee Contributions.** All employee's contributions will be made through payroll deduction on a pre-tax basis.

**Section 2 Dental Insurance.**

**2.1 New Employees.** Newly hired employees shall become eligible for either single or family coverage on the first of the month following their date of active employment.

**2.2 Employee Coverage.**

(a) ***White-Collar Employees.***

(1) Coverage is provided through the Dutchess Dental Plan, offered through the Employee Benefits Fund (EBF).CSEA Employee Benefits Fund.

(2) The Authority pays the entire composite premium for each employee.



(b) ***Blue Collar Employees.***

- (1) The Authority will contribute the following amounts to the Preferred Dental Plan, Full Basic, 100% Prosthetic schedule, Orthodontia, offered by Group Health Incorporated (GHI).
- (2) The total cost to the Authority shall not exceed \$17.14 per month for single coverage or \$68.56 per month for family coverage.

(c) ***Non-Represented Employees.***

- (1) Coverage is provided through the Emblem Health Preferred Dental Plan.
- (2) Benefits shall include 100% Prosthetic Allowance and Orthodontia for dependent children to age twenty-three.
- (3) The Authority shall contribute toward the premium an amount not to exceed \$27.43 per month for single coverage or \$109.70 per month for family coverage.
- (4) Any excess cost shall be borne by the employee through an authorized payroll deduction.

### **Section 3 Vision Care Plan.**

**3.1 New Employees.** Newly hired employees shall become eligible for either single or family coverage on the first of the month following their date of active employment.

#### **3.2 Employee Coverage.**

(a) ***White Collar-Employees.***

- (1) The Authority shall purchase the CSEA Employee Benefits Fund (EBF) offering Family Coverage Optical Gold-12 Vision Plan.
- (2) The Authority pays the entire premium cost for either single or family coverage.

(b) ***Blue-Collar Employees.***

- (1) Coverage is provided through the Vision Service Plan (VSP).
- (2) Employees contribute an amount per month as outlined in their applicable CBA for this coverage.

(c) ***Non-Represented Employees.***

- (1) Coverage is provided through the Vision Service Plan (VSP).
- (2) The plan includes benefits for vision examinations, lenses, frames, and contact lenses.
- (3) The Authority pays the entire premium cost for either single or family coverage.

## **Section 4 Short-term Disability.**

An employee is eligible to receive short-term benefits if he or she suffers an off-the-job illness, injury, or disability. Short-term disability benefits are not available for an occupational injury or sickness, covered by Workers' Compensation.

### **4.1 Employee Coverage.**

(a) ***Non-Represented Employees.***

- (1) Benefits begin on the eighth (8<sup>th</sup>) day of injury/sickness and may continue for a maximum benefit period of twenty-six (26) weeks at fifty percent of an employee's weekly earnings to a maximum of \$1,000 per week less other income benefits.
- (2) Benefit payments and duration are subject to the conditions of the Plan.
- (3) The Authority shall bear the full cost of this plan.

- (b) ***White-Collar Employees.*** In accordance with the terms and conditions of their Collective Bargaining Agreement, White-Collar members contribute and benefit from a sick bank, providing coverage for off-the-job illness, injury, or disability. For more information refer to the applicable CBA .
- (c) ***Blue-Collar Employees.*** In accordance with the terms and conditions of their Collective Bargaining Agreement, Blue-Collar members have short-term disability coverage through the New York State Insurance Fund (NYSIF), meeting the minimum requirements of the New York Disability Benefits Law.
- (1) Benefits are paid weekly and are equal to fifty percent (50%) of the employee's average weekly salary based on the last four (4) weeks prior to the disability.
  - (2) Benefits become payable on the eighth consecutive day of disability and continue for up to twenty-six (26) weeks.
  - (3) The maximum weekly benefit is \$170, and the maximum benefit period is for twenty-six (26) weeks during a fifty-two (52) consecutive week period.
  - (4) Benefits are taxable.
  - (5) The existence of the disability benefits insurance coverage through NYSIF will not affect the sick leave provisions of the Collective Bargaining Agreements except that benefit payments due the employee under the NYSIF plan shall be paid directly to the Authority.
  - (6) The Authority will credit the employee's sick leave bank with the next higher one-quarter of a day as the reimbursement insurance payments relate to the employee's current weekly straight time wage.
  - (7) If the employee has no accumulated sick leave credits, the insurance carrier will make the insurance payment directly to the employee.

- (8) An employee will not receive disability payments and/or sick leave payments in any combination which will result in the employee's receiving payment more than his or her straight time wage when disabled.

## **Section 5 Long-Term Disability for Non-Represented Employees.**

### **5.1 Non-Represented Employee Coverage.**

- (a) Newly hired non-Represented employees shall be enrolled on the first of the month following their date of active employment.
- (b) Non-Represented employees are entitled to long-term disability benefits following 180 days of disability, and equal 70% of an employee's basic monthly earnings up to \$5,000, less other income benefits.
- (c) Benefit payments and duration are subject to the conditions of the Plan.
- (d) The Authority shall bear the full cost of this plan.

## **Section 6 Group Life & Accident Insurance.**

### **6.1 Employee Coverage.**

- (a) *All Employees.* The Authority provides, at no cost, Life & Accidental Death, and Dismemberment Insurance Benefits through a group plan for all Authority employees.
- (b) *White-Collar Employees* may also enroll in the CSEA Group Life and Accident Insurance Plan. Contributions to the plan are solely the responsibility of the employee and are made by payroll deduction. Refer to the applicable Collective Bargaining Agreement for more information.
- (c) *Non-Represented Employees.*
  - (1) *Newly hired employees* shall be enrolled on the first of the month following their date of hire.

- (2) Non-Represented employees will be enrolled in an additional life insurance plan on the first of the month following their initial 26 weeks of active employment.

**6.2 Optional Life Insurance.** In addition, the Authority may from time to time offer employees the opportunity to participate in optional life insurance programs on a contributory basis.

## **Section 7 Medical and/or Dental Insurance Waiver.**

Employees covered under an alternate plan may elect cash payments in lieu of Authority provided medical and/or dental insurance coverage. The Medical and/or Dental Insurance Waiver is further explained in Policy No. 44 and any applicable CBA.

## **Section 8 Retiree Medical Insurance.**

Full-time employees who retire from the Authority may be eligible for healthcare insurance coverage as a retiree. Subject to the terms and conditions of any applicable bargaining agreement or an applicable policy adopted by the Board, an employee's age and years of services will determine whether the employee is entitled to healthcare coverage upon retirement from the Authority.

Retiree Medical Insurance is explained further in Policy No. 46 for Non-Represented employees, and applicable Collective Bargaining Agreements for Union Retirees.

## **Section 9 Cobra Continuation Benefits.**

Employees and/or their eligible dependents shall be provided the opportunity to continue their medical, dental and/or vision coverage under COBRA should their Authority provided coverage terminate. COBRA is explained further in Policy No. 45.

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

**Re: HEALTHCARE WAIVERS  
POLICY & PROCEDURES**

**Policy No. 44**

-----  
**Application: All Employees**

**Adopted: 10/20/2022<sup>1</sup>  
Amended: 09/20/2023**

**PURPOSE**

To provide cash payments to eligible employees and retirees in lieu of health insurance coverage through an Authority-approved healthcare plan when an employee or retiree has proof of coverage through an alternative healthcare plan and elects to waive the Authority-approved healthcare plan coverage.

**POLICY**

As a matter of policy and practice, the Erie County Water Authority makes medical insurance coverage available to all active employees and eligible retirees. Dental coverage is available only for active employees. The Authority does however encourage employees and retirees to waive insurance coverage when alternative coverage is otherwise available.

Employees who are part of a collective bargaining unit have contractual rights to waive such coverage in return for cash payments. By the adoption of this Policy, the Authority extends health insurance waivers to employees and eligible retirees who are not subject to a collective bargaining agreement.

This Policy is intended to be consistent with the provisions of the respective collective bargaining agreements for Blue-Collar and White-Collar employees. The provisions herein for non-represented employees do not alter or extend the rights given to union employees in their respective collective bargaining agreements.

**PROCEDURE**

---

<sup>1</sup> This Healthcare Waivers Policy & Procedures replaces HR Policies Nos. 44.A (Employee and Eligible Retirees Not Subject to Collective Bargaining), 44.B (CSEA Represented Employees) and 44.C (AFSCME Represented Employees) and is intended to be consistent with the provisions of any applicable collective bargaining agreement.

## **Section 1 Blue-Collar and White-Collar Employee Healthcare Waiver Payments.**

### **1.1 Eligibility.**

This Section is applicable to eligible employees or retirees who are part of a Collective Bargaining Unit (“CBA”). The Authority will pay each Blue-Collar and White-Collar employee who elects to cancel his/her health and/or dental coverage (active employees only) provided by the Authority subject to the following conditions:

- (a) The employee must be covered under another medical insurance plan (“alternate plan”) and provide the Authority with the name and identification number of the alternate plan employer, as well as the name and relationship of the person insured under that plan, if applicable. Proof of the “alternate plan” must be resubmitted to the Authority annually at both the beginning and end of the requested waiver period.
- (b) Employees are eligible to elect a waiver as of the first of the month following their employment or eligibility for an alternate plan. Payment will be paid to the employee one (1) year following cancellation and each year thereafter.
- (c) Reinstatement in an Authority paid medical plan shall occur only during the open enrollment period, unless the employee has a change in status relating to his/her employment status, marital status, termination of alternative coverage or another qualifying event.
- (d) Waivers are irrevocable for the year in which the waiver is executed. An employee cannot revoke a waiver unless the employee has a change in status: divorce, termination of the alternate coverage or a change from full-time to part-time employment.
- (e) Medical and/or dental waivers will continue to be considered executed unless formally revoked in writing by the employee, subject to the criteria set forth in the above paragraphs.
- (f) Cash payments under this waiver option are taxable income and are subject to income and FICA tax withholdings and applicable payroll deductions including but not limited to child

support, garnishments, and premium deductions for active employees. No withholdings shall be taken from retiree waiver payments and any taxes owed are the responsibility of the retiree.

- (g) Any retiree that elects to utilize this waiver will be eligible to opt into the waived insurance at the Authority's scheduled open enrollment or if a loss of their other insurance should occur.

## **1.2 Amount of Waiver Payment.**

The Authority will pay Blue-Collar and White-Collar employees who elect to cancel his/her health and/or dental coverage provided by the Authority, where coverage is duplicated by another policy, subject to the terms and conditions of their applicable Collective Bargaining Agreement (CBA).

## **1.3 Prorated Waiver Payments.**

- (a) If an employee or a retiree has a change in coverage status, due to a qualifying event or termination of the alternative plan, the employee or retiree may revoke the waiver and seek coverage under an Authority-approved plan.
- (b) When such employee or retiree revokes the waiver, the employee or retiree shall forfeit, in full, any payment pursuant to this policy and the terms and conditions of their applicable CBA.
- (c) If an employee requests and is granted a leave of absence without pay, the waiver payment eligibility date will be increased by the number of full or partial months necessitated by the leave of absence without pay.



## **Section 2 Non-Represented Employee Healthcare Waiver Payments.**

### **2.1 Eligibility.**

This Section is applicable to eligible employees or retirees who are not part of a collective bargaining unit.

- (a) An eligible employee is an active, full-time, employee who is entitled to healthcare coverage through an Authority-approved plan and who has available coverage through an alternative healthcare plan and provider.
- (b) An eligible retiree is an individual who has retired from a full-time position with the Authority and who is eligible for healthcare coverage pursuant to Policy No. 46 (Medical Coverage for Retirees).
- (c) A retiree who waives coverage to a Medicare Advantage Plan through an Authority-approved provider will not be entitled to a cash payment for the waiver of such coverage.
- (d) Upon the death of a retiree, the surviving spouse will not be eligible to apply for a waiver upon the expiration of the annual waiver period following the death of the retiree.
- (e) A surviving spouse may forfeit a waiver payment if the surviving spouse elects to have healthcare coverage through an Authority-approved plan if the request is made following the death of the retiree and before the expiration of the annual waiver period.
- (f) A part-time employee who has elected to waive healthcare coverage prior to January 1, 2021, will receive cash payments for that waiver period.
- (g) Effective January 1, 2021, part-time employees will no longer be eligible for cash payments in lieu of healthcare coverage through an Authority-approved plan.

(h) Effective January 1, 2021, active employees, who were already retired from the New York State and Local Retirement System and already on Medicare when the Authority hired them, will no longer be eligible for cash payments in lieu of healthcare coverage through an Authority-approved plan. Such employees who have filed a notice of waiver prior to January 1, 2021, will receive a last waiver payment one-year after the filing date of the notice.

## **2.2 Notice of Waiver.**

(a) On an annual basis, an eligible employee or retiree must provide notice of waiver to the Authority.

(b) The notice of waiver shall provide:

(1) the name and identification number of the alternative healthcare plan, along with proof of enrollment in the alternative healthcare plan at both the beginning and end of the requested waiver period; and

(2) the name of the person insured under the alternative healthcare plan, from whom the employee or retiree has available alternative coverage, and a description of the relationship between the insured person and the eligible employee/retiree.

(c) The notice of waiver form shall be filed with the Authority's Human Resource Department on or before the first date of the waiver period established in section 2.3 of this policy.

## **2.3 Annual Waiver Period.**

(a) Active employees are eligible to elect a waiver on the first of the month following their employment or eligibility for an alternate plan, and thereafter annually.

(b) Employees who retire while already waiving health insurance will not be required to file a new notice of waiver but shall be allowed to continue their waiver period into retirement.

(c) Retirees who elect to waive health insurance after retirement shall be eligible to file a notice of waiver on the first of the

month following their eligibility for an alternate medical plan and thereafter annually.

#### **2.4 Payments for Waiver Notices Filed on or after January 1, 2021.**

- (a) If an eligible individual waives medical coverage, the individual will be entitled to receive a cash payment in an amount, which is the lesser of the following:
  - (1) Fifty-five percent (55%) of the Authority's contribution paid toward the premium of a CORE single or a CORE family approved medical plan, or
  - (2) \$3,000 for a single plan or \$8,000 for a family plan.
- (b) If an eligible active employee waives dental coverage, the employee will be entitled to receive a cash payment in an amount, which is the lesser of the following:
  - (1) Fifty-five percent (55%) of the Authority's contribution paid toward the premium of a single or a family approved dental plan, or
  - (2) \$100 for a single plan or \$350 for a family plan.
- (c) A retiree who waives coverage to a Medicare Advantage Plan through an Authority-approved provider will not be entitled to a cash payment for the waiver of such coverage.
- (d) Waiver payments will be received one-year following the filing of the notice of waiver in the following manner:
  - (1) For active employees, waiver payments will be included in their regular payroll check during the month of election.
  - (2) For retirees, checks for waiver payments will be mailed to retirees during the month of election.

#### **2.5 Waiver Payment Deductions.**

- (a) Waiver payments are taxable.
- (b) For active employees, the Authority will deduct from waiver payments:

- applicable federal, state and FICA withholdings
- other applicable statutory deductions including, but not limited to, child support or wage garnishments
- past due premium payments owed by the employee

(c) The Authority will issue a lump sum waiver payment to retirees without making any deductions. Retirees will be responsible for the payment of all applicable taxes.

## **2.6 Revocability of Waiver.**

- (a) Except as provided in paragraph (b) of this section, an eligible employee or retiree may not revoke a waiver during the waiver period after a notice of waiver has been executed.
- (b) If an employee or a retiree has a change in coverage status, due to a qualifying event, or termination of the alternative plan, the employee or retiree may revoke the waiver and seek coverage under an Authority-approved plan.
- (c) When such employee or retiree revokes the waiver, the employee or retiree shall forfeit, in full, any payment pursuant to this policy.

## **2.7 Prorated and Forfeited Waiver Payments.**

- (a) Employees and/or retirees are not entitled to prorated waiver payments regardless of any circumstances.
- (b) If an eligible employee is no longer employed by the Authority, the employee forfeits the waiver payment. and will not be entitled to receive a partial or a prorated payment.
- (c) If an active employee requests and is granted a leave of absence without pay, the waiver payment date will be increased by the number of full or partial months necessitated by the leave of absence without pay.

**2.8 Open Enrollment Period.** Unless otherwise permitted by the Authority-approved plan under circumstances described in section 2.6, paragraph (b) of this policy, an active employee or retiree may be reinstated to an Authority-approved plan during an open enrollment period.

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

<b>Re: COBRA BENEFITS POLICY &amp; PROCEDURES</b>	<b>Policy No. 45</b>
---	----------------------

**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **POLICY**

In compliance with the federal Consolidated Omnibus and Budget Reconciliation Act (COBRA), the Erie County Water Authority has adopted this policy to offer employees and their families the opportunity for temporary extension of medical, dental, and/or vision continuation coverage at group rates in certain instances where coverage under the Authority’s plans would otherwise end, and to implement and administer procedures to comply with these COBRA requirements.

## **PROCEDURES**

### **Section 1 Continuation of Coverage.**

**1.1 Employees** with medical, dental and/or vision coverage shall be granted the right to choose COBRA continuation coverage if they lose their group coverage because of any of the following qualifying events:

- (a) A reduction in hours of employment
- (b) Termination of employment (for reasons other than gross misconduct)
- (b) Unpaid leave of absence
- (c) Retirement

---

<sup>1</sup>The COBRA Benefits Policy & Procedures replaces H.R. Policy No. 45.0 (COBRA Continuation Benefits).

**1.2 Covered Spouses and Dependent Children of Employees** shall be granted the right to choose continuation coverage for themselves if they lose group medical, dental and/or vision coverage for any of the following qualifying events:

- (a) The death of the employee
- (b) A termination of the employee's employment (for reasons other than gross misconduct)
- (c) Reduction in the employee's hours of employment
- (d) The employee begins an unpaid leave of absence
- (e) The employee retires
- (f) Divorce or legal separation
- (f) The employee becomes entitled to Medicare
- (g) In the case of a dependent child, if the child ceases to be a "dependent" under the medical, dental and/or vision plan

**1.3 Duty to Inform Authority.**

The employee or a family member has the responsibility to inform the Authority of a divorce, legal separation, or a child losing dependent status under the medical, dental and/or vision plans within 60 days of the happening of any such event. If notice is not received within that 60-day period, the spouse or dependent child will not be entitled to choose continuation coverage. The Authority is deemed to have known when any other qualifying event has occurred.

**1.4 Notification of Continuation of Coverage.**

- (a) Upon learning that one of the above events listed in Sections 1.1 or 1.2 above has occurred, the Human Resources Department will notify the employee and/or spouse or dependent child(ren) of the employee of the right to continuation of coverage.
- (b) This notification shall be made no later than fourteen (14) days after the loss of coverage due to a qualifying event.

- (c) A single notice shall be sent via a first-class mail addressed to the employee and spouse if both share the same address. Notice to a spouse is notice to dependent children living with the spouse. However, any qualified beneficiary (spouse and/or dependent children) living at an address different from that of the employee must be sent a separate notice.
- (d) Notice may be given personally to the employee, but any qualified beneficiary must sign an acknowledgment of receipt of notice.
- (e) The employee, spouse and/or dependent child(ren) shall be offered the opportunity to continue their coverage in the plan(s) they were enrolled in immediately before the qualifying event. Everyone must be offered independent rights to elect the coverage(s) needed. Also, everyone may choose any combination of one or more coverages among the medical, dental and/or vision plans.
- (f) If the qualifying event is termination of employment, retirement, unpaid leave of absence or reduction in work hours, the employee, spouse, and dependent child(ren) shall be offered continuation coverage for up to eighteen (18) months from the date of loss of coverage. In addition, the following rules apply:
  - (1) If the employee is determined to be disabled by the Social Security Administration at the time Authority-paid coverage is discontinued, COBRA coverage may be extended from eighteen (18) to twenty-nine (29) months if the determination is provided to the Authority before the end of the eighteen (18) month period.
  - (2) If, during that 18-month period, another event takes place that would also entitle the spouse or dependent child(ren) (other than a spouse or child who became covered after continuation coverage became effective) to his/her own continuation coverage, (for example, the former employee dies, is divorced or legally separated, or becomes entitled to Medicare, or a dependent ceases to be a “dependent child” under the medical, dental and/or vision plan), the continuation coverage may be extended. However, in no case will any period of continuation coverage be more than 36 months.

- (g) For all other qualifying events, continuation coverage shall be offered to the spouse and/or dependent child(ren) for up to thirty-six (36) months from the date of loss of coverage.

### **1.5 Election of Coverage.**

- (a) Elections for coverage continuation must be made within sixty (60) days from the date coverage is lost or the date the notice of continuation rights is mailed or personally delivered, whichever is later.
- (b) If an individual does not respond, it shall be assumed that he/she has elected not to continue their group coverage, and the employee cannot be permitted to elect continuation later.

### **1.6 Payment for Coverage.**

- (a) An individual who elects continuation will be required to pay the entire premium for coverage elected. The premium is the same as the premium for active employees and/or dependents plus an additional 2% to cover administrative expenses.
- (b) The initial notice sent to an individual who elects continuation coverage shall be for the period from the date Authority-paid coverage ended to the date of election. This initial, retroactive payment must be made within forty-five days from the date of election. The Authority cannot require payment any sooner. However, no grace period applies to the initial payment.
- (c) Bills for subsequent monthly payments shall be sent by the first (1st) of each month for which the premium is due. A thirty (30) day grace period shall be allowed. The grace period begins on the date the premium is due (1st of the month), not on the day the bill is sent.

### **1.7 Option to Change Coverage.**

Individuals who have elected continuation coverage shall be notified of their options to change their medical insurance coverage during the Authority's annual open enrollment period.



## **1.8 Termination of Continuation Coverage.**

Continuation coverage shall end when the first of the following occurs:

- (a) The continuation period for which the individual is entitled ends.
- (b) The individual stops paying premiums, in which case coverage ceases at the end of the period for which premium payment was last made.
- (c) The person becomes covered under a group plan which does not contain any exclusion or limitation with respect to a pre-existing condition.
- (d) The person becomes eligible for Medicare.
- (e) If one of the above events occurs, the Human Resources Department shall verify the information and document the decision to terminate coverage by mailing a notice to the affected person. The individual shall also be allowed to enroll in any conversion plan which is available.

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

<b>Re: MEDICAL COVERAGE FOR RETIREES</b>	<b>Policy No. 46</b>
-----	
<b>Application: Retirees not Subject to a Collective Bargaining Agreement</b>	<b>Amended: 12/13/2011 03/22/2012 06/26/2014 10/20/2022<sup>1</sup> 09/20/2023</b>

## **POLICY**

The Erie County Water Authority (the “Authority”) endeavors to solicit, recruit, employ and retain highly qualified and experienced professionals to oversee all aspects of the Authority’s operations. As a governmental entity, the Authority lacks the power to negotiate or offer long- term employment agreements to prospective employees, except for employees who are subject to a collective bargaining agreement.

In the private sector, employers may attract executives, senior managers, and other professionals by offering employment contracts setting forth terms and conditions of employment, short-term and long-term employee benefits, the grounds upon which termination may be sought, and the terms and conditions for severance compensation upon termination.

The Authority’s executive, senior and professional staff are considered at-will employees, with many holding professional licenses. The Authority must compete with the private sector for highly qualified and experienced executives, senior manager, and professionals.

The Authority continues to offer medical coverage to retirees to enhance its efforts to solicit, recruit, employ and retain highly qualified and experienced personnel. The Authority has extended medical coverage to any full-time employees who retired after April 1, 1991, and who, at the time of retirement, satisfy certain age and service requirement under this policy, as revised and amended over the years.

---

<sup>1</sup> This Medical Coverage for Retirees Policy replaces H.R. Policy No. 46.0 (Retiree Medical Insurance) and applies to retirees not subject to a Collective Bargaining agreement.

## **PURPOSE**

The purpose of the policy is to describe the conditions and circumstances under which the Authority may extend medical insurance coverage for eligible retirees.

## **PROCEDURE**

### **Section 1 Eligibility.**

- (a) The Authority shall provide single, double, or family medical insurance coverage through an Authority-approved contract with the Labor Management Health Care Fund, Inc. (“LMHF”), or such other Authority-approved contract in effect at the time of coverage, to a retiree who meets the eligibility requirements set forth in paragraph (b) of this section.
- (b) Eligibility is extended to full-time employees who retire from the Authority as a member of the New York State and Local Retirement System (NYSLRS) or the optional TIAA- CREF program and who, at the time of retirement, have met one of the following age and service requirements:
  - (1) An eligible employee who is at least fifty-five (55) years of age and has a minimum of fifteen (15) years of full-time service with the Authority; or
  - (2) An eligible employee with a minimum of five (5) years of full-time service with the Authority *and* whose age and years of service with the Authority combined is at least equal to sixty-five (65).

### **Section 2 Medicare Coverage.**

- (a) When a retiree or a retiree’s spouse becomes Medicare eligible, the retiree and/or spouse will be required to apply for Medicare Part B coverage.
- (b) An eligible employee who is Medicare eligible must apply for Medicare Part B at the time of retirement.
- (c) The retiree and the retiree’s spouse shall bear the costs for the Medicare Part B premium.

- (d) For Medicare eligible retirees, the Authority will pay eighty-five percent (85%) of a Medicare supplemental insurance plan provided through LMHF or otherwise provided under an Authority-approved contract.
- (e) Reimbursement for Medicare supplemental out-of-network coverage is subject to the provision set forth in Section 3.1, paragraph (b) of this Policy.

### **Section 3 Contributions.**

#### **3.1 Authority Contributions.**

- (a) The Authority shall provide an eligible retiree with a single, double, or family medical insurance plan with a provider under an Authority-approved contract.

- (1) The Authority will pay 100% of the cost of an in-network medical insurance plan provided under an Authority approved contract for eligible former employees who retired prior to April 1, 2012.

- (2) For eligible employees who retire on or after April 1, 2012, the Authority will pay 85% of the cost for an in-network medical insurance plan provided under an Authority approved contract.

- (b) Out-of-Network coverage.

- (1) Retirees who relocate outside of the coverage area of an Authority-approved medical plan may seek reimbursement for a private medical insurance plan by providing the Authority with payment receipts.

- (2) For retirees who retired prior to April 1, 2012, the Authority will reimburse retirees for private medical coverage in an amount not to exceed the premium paid by the Authority for an in-network Authority provided medical plan providing single, double, or family coverage or a Medicare Advantage Plan.

- (3) For retirees who retired on or after April 1, 2012, the Authority will reimburse retirees for private medical

coverage in an amount not to exceed 85% of the premium paid by the Authority for an in-network Authority provided medical plan providing single, double, or family coverage or a Medicare Advantage Plan.

### **3.2 Retiree Contributions.**

- (a) The retiree or the surviving spouse will be responsible for the payment of the retiree's share of the monthly medical insurance premium.
- (b) Sick Leave Credits.
  - (1) The value of the eligible employee's unused sick leave at the time of retirement may be used as credits to offset the retiree's share of monthly medical insurance premiums due to the Authority for Authority provided insurance.
  - (2) Sick leave credits shall be calculated as the product of the number of unused sick leave hours multiplied by the eligible employee's hourly rate of pay at the time of retirement.
  - (3) Upon the death of the retiree, the eligible surviving spouse may apply the unused balance of sick leave credits to pay the surviving spouse's share of monthly medical insurance premium due to the Authority.
  - (4) The use of sick leave credits to pay insurance premiums will not impact the number of unused sick leave days reported to the NYSLRS in accordance with Retirement and Social Security Law § 41(j).

### **Section 4 Surviving Spouse Benefits.**

Upon the death of the retiree, the surviving spouse shall be entitled to medical insurance coverage under the same terms and conditions as set forth in this policy until the spouse remarries or dies.

## **Section 5 Waiver.**

- (a) Retirees who are covered under an alternate medical insurance plan may elect cash payments in lieu of medical insurance coverage provided through the Authority, subject to the provisions set forth in Policy No. 44.
- (b) A retiree may choose to waive medical coverage.

## **Section 6 Open Enrollment.**

A retiree or surviving spouse will have the opportunity to change medical insurance coverage during the annual open enrollment period.

## **Section 7 Policy Changes.**

- (a) Any changes in the Authority's medical insurance program affecting active employees will also apply equally to retirees or their surviving spouses.
- (b) Changes may include, but are not limited to, summary plan descriptions (SPDs), types or numbers of insurance carrier(s), amount of the Authority's contributions, and plan deductibles or prescription co-pays.
- (c) The Authority may, at any time, amend or discontinue this policy of providing medical insurance coverage to current and/or future retirees.

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

<b>Re: SICK LEAVE &amp; NON-WORK RELATED DISABILITY BENEFITS POLICY</b>	<b>Policy No. 47</b>
---	----------------------

<b>Application: All Employees</b>	<b>Amended: 10/20/2022<sup>1</sup> 09/20/2023</b>
-----------------------------------	---

**PURPOSE**

To provide paid sick leave benefits to eligible employees.

**POLICY**

It is the policy of the Erie County Water Authority to protect employees from loss of income during periods of absences due to illness or disability of the employee or a family member.

**PROCEDURE**

**Section 1 Sick leave.**

**1.1 Definition.** Sick Leave is an excused absence with pay necessitated by the illness or other physical disability of the employee or immediate family member.

**1.2 Earning Sick Leave.**

- (a) Employees shall earn sick leave benefit credits at the rate of one and one-quarter (1-1/4) days per month for each month of service with the Authority.
- (b) No credit for sick leave shall be granted unless the employee shall have worked at least fifty (50%) of the working days of each calendar month.

---

<sup>1</sup> This Sick Leave & Non-Work-Related Disability Benefits Policy revises and replaces HR Policy No. 47.0 (Sick Leave Benefits for Managerial/Confidential Employees) and now applies to all employees and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

- (c) An employee absent from work on an authorized leave of absence with full pay such as vacation, holidays, sick leave, military service, and any other authorized leaves of absence with pay, shall deem to be “working” and earning sick leave credits within the meaning of this section.

### **1.3 Calculation of Sick Leave.**

- (a) Sick leave benefit payments shall be calculated using the employee’s regular, straight-time rate of pay.
- (b) Sick leave not used in a calendar year shall be accumulated subject to the maximum of:
  - (1) *Non-Represented Employees*, one hundred sixty-five (165) days;
  - (2) *White-Collar Employees*, two hundred ninety-five (295) days;
  - (3) *Blue-Collar Employees*, two hundred forty-five (245) days.

### **1.4 Use of Sick Leave for Family Member Illness or Disability for Non-Qualifying FMLA Events.**

- (a) In the event of a non-qualifying FMLA illness or other physical disability of a family member, the maximum number of paid sick leave days available to the employee shall be:
  - (1) *Non-Represented Employees and CSEA Local 1000 (White-Collar)* a maximum of ten (10) days of their accumulated sick leave each calendar year: and
  - (2) *Brotherhood of WNY (Blue-Collar)* a maximum of five (5) days of their accumulated sick leave each calendar year

**1.5 Use of Sick Leave for Employee Illness or Disability.** An employee qualifying for sick leave benefits under this policy shall, in the case of illness or other physical disability affecting the employee, receive sick leave benefits up to the total number of days accumulated.

### **1.6 Authorization of Sick Leave.**

- (a) Sick leave shall not be deemed authorized, or any payment made unless:



- (1) The employee shall have notified his or her immediate supervisor of such absence at least thirty (30) minutes prior to the time he or she is scheduled to report for work; and
- (2) After an absence of four (4) consecutive scheduled workdays, the employee shall have filed a certificate from his or her attending physician showing the dates of attendance or treatment by such physician and the reason for the incapacity or disability of the employee to perform his or her duties.

**1.7 Return to Work.** The Authority may require an employee, who has been absent because of personal illness, prior to and as a condition of his or her return to duty, to be examined at the expense of the Authority by a physician designated by the Authority to establish that he or she is not disabled from the performance of his or her normal duties or that his or her return to duty will not jeopardize the health of the other employees.

**1.8 Failure to Submit Proof of Illness or Disability.** Failure to submit proof of illness or disability upon request, or if such proof as is submitted, or upon the report of medical examination, the Authority finds that there is not satisfactory evidence of illness sufficient to justify the employee's absence from the performance of his or her duties, such absence may be considered as unauthorized leave and shall not be charged against accumulated sick leave credits.

**1.9 Abuse of Sick Leave.** Abuse of sick leave privileges shall be cause for disciplinary action by the Authority.

**1.10 Disposition of Unused Sick Leave Upon Retirement.** When an ECWA employee retires from the Authority, the employee may have various options as to the disposition of unused sick leave. These options vary depending upon the employee's date of hire, and rights granted to the employee by policy or a collective bargaining agreement.

(a) *Non-Represented Employees.*

- (1) Upon retirement, all remaining accumulated sick leave will be added to the employee's time credited with the New York State Retirement System subject to the provisions of New York State Retirement Law.
- (2) The value of the eligible employee's unused sick leave at the time of retirement may be used as credits to offset the retirees share of monthly medical insurance

premiums due to the Authority for Authority provided insurance subject to the provisions of Policy No 46 (Medical Coverage for Retirees), applicable to retirees not subject to a collective bargaining agreement.

(b) *White-Collar and Blue-Collar Employees.* Employees covered under collective bargaining agreements should refer to their applicable agreement for provisions relating to payment, or other disposition of unused sick leave.

## **Section 2 Non-Work-Related Disability.**

**2.1 Short-Term Disability.** An employee is eligible to receive short-term benefits if he or she suffers an off-the-job illness, injury, or disability including pregnancy. Short-term disability benefits are not available for an occupational injury or sickness, covered by Worker's Compensation.

### *(a) Non-Represented Employees.*

- (1) Non-Represented workers are entitled to short-term disability benefits on the eighth day of the injury/sickness and may continue for a maximum benefit period of twenty-six (26) weeks at fifty percent (50%) of the employee's weekly earnings to a maximum of \$1,000 per week less other income benefits.
- (2) Benefits, payments, and duration are subject to the provisions of the disability plan, for which the Authority bears the full cost.
- (3) If an employee has sick leave days accumulated at the time of the disability, the employee **must use that sick time** and the disability benefits will be paid directly to the Authority. The Erie County Water Authority will then "buy back" the disability benefits and credit the employee with a pro-rated amount of sick time.
- (4) When the sick days are depleted, OR if an employee has no sick time available at the time of the disability, the employee will receive the disability benefits directly from the insurance carrier.
- (5) Newly hired employees shall be eligible for short-term disability on the first of the month following one month of active employment.

(b) ***White-Collar Employees.*** In accordance with the terms and conditions of their Collective Bargaining Agreement, White-Collar members contribute and benefit from a sick leave bank, providing for coverage for off-the-job illness, injury, or disability. Employees should refer to the provisions in their CSEA Local 1000 Collective Bargaining Agreement.

(c) ***Blue-Collar Employees.*** In accordance with the terms and conditions of their Collective Bargaining Agreement, Blue-Collar members have short-term disability coverage through the New York State Insurance Fund (NYSIF), meeting the minimum requirements of the New York Disability Benefits Law.

(1) NYSIF payments do not cover employee hospital bills, medical expenses, or rehabilitation.

(2) NYSIF benefits are paid weekly and are equal to fifty percent (50%) of the employee's average weekly salary based on the last four (4) weeks prior to the disability.

(3) Benefits become payable on the eighth (8<sup>th</sup>) consecutive day of disability and continue for up to twenty-six (26) weeks.

(4) The maximum weekly benefit is \$170.00, and the maximum benefit period is for twenty-six (26) weeks during a fifty-two (52) consecutive week period.

(5) Benefits are fully taxable, and the taxable amount depends on the contribution percentage of the employer.

(6) The existence of the disability benefits insurance coverage will not affect the sick leave provisions of the collective bargaining agreement except that benefit payments due the employee under the NYSIF plan shall be paid directly to the Authority. The Authority will credit the employee's sick leave bank with the next higher one-quarter of a day as the reimbursement insurance payments relate to the employee's current weekly straight time wage.

- (7) If the employee has no accumulated sick leave credits, the insurance carrier will make the insurance payment directly to the employee.
- (8) An employee shall not receive disability benefits and/or sick leave payments in any combination which will result in the employee receiving payment more than his or her straight time wage when disabled.

**2.2 Long Term Disability Applicable to Non-Represented Employees Only.**

- (a) Non-Represented employees are entitled to long-term disability benefits following 180 days of disability, equaling seventy percent (70%) of the employee's basic monthly earnings up to \$5,000, less other income benefits.
- (b) Benefit payments and duration are subject to the long-term disability plan, for which the Authority bears the full cost.
- (c) Newly hired employees shall be enrolled in a long-term disability plan on the first of the month following one month of active employment.
- (d) Long term disability benefits will not be paid until accumulated sick leave has been exhausted.

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

**Re: SICK LEAVE BUY BACK  
PROGRAM**

**Policy No. 48**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide a program that provides a cash incentive to employees with good attendance records in lieu of accumulated sick leave benefits.

## **POLICY**

It is the policy of the Authority to encourage good attendance by offering a voluntary cash incentive to employees who have accumulated unused sick leave credits.

## **PROCEDURE**

### **Section 1**

- 1.1 Application.** All Non-Represented Employees are eligible for voluntary participation in this program.
- 1.2 Determination of Date of Buyout.** The yearly period used in determining the buyout shall be November 1 of the preceding year through October 31 of the current year.
- 1.3 Eligibility.** Any employee who has used sick leave benefits of five (5) or fewer days in the preceding twelve (12) month period and has twenty (20) or more days of sick leave banked, shall be eligible for this incentive.

---

<sup>1</sup> This Sick Leave Buy Back Program replaces H.R. Policy No. 48.0 (Sick Leave Buyout Program).

**1.4 Calculation of Amount.**

- (a) Eligible employees shall be able to cash up to fifty (50%) percent of the sick days earned, but not used, during the preceding twelve (12) month period.
- (b) Employees who have accrued the maximum amount of sick leave benefits (165 days) shall be allowed to cash in up to fifty (50%) percent of the sick leave benefits which would have been accrued during the preceding twelve (12) month period. The 165-day sick leave accumulation cap will not be reduced by reason of this annual buyout.

**1.5 Rate of Reimbursement.**

- (a) This cashing in on sick leave benefits shall be payable at the rate of eighty (80%) percent of the employee's straight-time wage.
- (b) Payments shall be made prior to December 25 of each year.
- (c) The cashing in on sick leave benefits reduces the employees accrued sick time by an amount equal to the number of days cashed in.

**1.6 No Requirement to Participate.**

No employee shall, by reason of this program, be required to cash in any of his/her unused sick leave benefits.

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

<b>Re: EMPLOYEE ASSISTANCE POLICY &amp; PROGRAM</b>	<b>Policy No. 49</b>
---	----------------------

<b>Application: All Employees</b>	<b>Amended: 10/20/2022<sup>1</sup> 09/20/2023</b>
-----------------------------------	---

**POLICY**

The Erie County Water Authority recognizes that personal problems are most successfully dealt with if identified at an early stage and referral is made to an appropriate form of care. This applies whether the problem is one of physical illness, mental or emotional illness, alcoholism, drug abuse, marital or family distress, financial or legal problems, or other concerns. The Authority has established guidelines and procedures to assure any employee having a personal problem affecting job performance will receive careful consideration and an offer of confidential professional assistance.

**OBJECTIVE**

To deal realistically with personal problems that affect on-the-job work performance, the Authority encourages employees to take advantage of the professional diagnostic counseling and treatment services available through the Employee Assistance Program.

Referral procedures will be designated to facilitate both self-referrals and supervisory referrals to the Employee Assistance Program.

**PROCEDURE**

**Section 1 Supervisor’s Duty.**

It is the responsibility of supervisors at all levels to implement this policy by remaining alert to all instances of substandard work performance, to document these instances, and to bring these to the attention of the employee along with an

offer of assistance at the earliest indication of a recurrent pattern. Supervisors are

---

<sup>1</sup> This Employee Assistance Policy & Program revises and replaces H.R. Policy No. 49.0 (Employee Assistance Program).

not to attempt to diagnose or even discuss the nature of the personal problem responsible for poor performance. However, a supervisor may, following consultation with the Director of Human Resources or his or her designee, make a direct referral of the employee to the Employee Assistance Program

Ongoing training and/or consultation for all levels of supervision will be provided to assure early identification of work performance problems and to assure optimal utilization of the Employee Assistance Program.

## **Section 2 Employee's Duty.**

It is the responsibility of the employee to seek assistance through or accept referral to the Employee Assistance Program and comply with the recommended course of action when personal problems are affecting the employee's work performance. An employee's continued failure to take action to resolve personal problems affecting work performance will be handled in the same way that any other performance problem is handled.

## **Section 3 Family Assistance.**

Since employee work performance and attendance can be affected by the problems of an employee's spouse and/or family member, the Employee Assistance Program is also available to the dependents of employees as defined under the Health Insurance Program.

## **Section 4 Leave of Absence.**

Disability leaves and/or the Authority's disability income plan will be provided for employees undergoing treatment or rehabilitation through the Employee Assistance Program on the same basis as it is granted for ordinary health problems.

Treatment and/or rehabilitation benefits for any condition identified through the Employee Assistance Program will be provided in accordance with the employee's medical insurance plan.

## **Section 5 Job Security.**



The decision to seek or accept assistance through the Employee Assistance Program will in no way be detrimental to an employee's job security or advancement opportunities. It is the supervisor's responsibility to assure that all employees are evaluated only in terms of work performance.

Participation in the Employee Assistance Program in no way relieves the employee of the responsibility to meet acceptable work performance standards.

Implementation of this policy does not require or result in any special regulations, privileges, or exemptions from the Authority's standard personnel practices applicable to job performance.

Likewise, nothing in this statement of policy or in the Employee Assistance Program is to be interpreted as constituting any waiver of management's responsibility to maintain discipline or the right to invoke disciplinary measures in the case of misconduct, which may be associated with the use of alcohol or drug abuse.

## **Section 6 Confidentiality.**

All records pertaining to the Employee Assistance Program will be treated with the same high degree of confidentiality accorded employee's medical records. Voluntary self-referred employees or family members seeking assistance will be able to do so with complete anonymity.

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

**Re: TUITION ASSISTANCE PROGRAM Policy No. 50**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **POLICY**

The Authority intends to encourage and assist employees in preparing for greater opportunities and responsibilities. To achieve this goal, the Authority will reimburse eligible employees for tuition and fees incurred, as limited below, when they satisfactorily complete approved university, college, or trade school courses.

## **PROCEDURE**

### **Section 1 Eligibility.**

All full-time employees with at least one year of accrued service are eligible for Tuition Assistance. When in the best interest of the Authority or a pre-employment condition, the one year of accrued service requirement may be waived jointly by the appropriate Division Head and Secretary to the Authority.

### **Section 2 Course Limitations.**

**2.1 Approval of Courses.** Courses will be approved for reimbursement according to the following guidelines:

---

<sup>1</sup> This Tuition Assistance Program replaces H.R. Policy No. 50.0 (Tuition Assistance Program).

- (a) Single, non-degree related courses must be relevant to the employee's current or future positions at the Authority.
- (b) Degree or certificate programs must be generally relevant to an employee's current or future positions at the Authority. All courses and distribution requirements mandated for the degree will be covered.

### **Section 3 Tuition Application.**

#### **3.1 Procedure.**

- (a) Applications for this program must be made by completing a Tuition Assistance Application Form and submitting it to the Human Resources Department prior to enrollment.
- (b) In the case of single courses, the application shall include a complete description of the course and its relevance to the employee's job.
- (c) The application for a degree or certificate-related program should be accompanied by an Approval for Degree-Related Courses Form containing a list of required courses and a description of the degree or certificate to be obtained.
- (d) Each semester, prior to enrollment, a list of courses to be taken should be submitted to the Human Resources Department. However, once a degree or certificate program has been approved, individual courses only need to be submitted each semester for reference.
- (e) All Applications must be accompanied by a recommendation from the employee's direct supervisor.

### **Section 4 Pre-Approval.**

Upon receipt of a completed Tuition Assistance Application, the Human Resources Department will forward it to the Secretary to the Authority for final approval. The employee will be notified of the Secretary's approval, pending timely submittal of his/her application, prior to the registration deadline for each semester.

## **Section 5 Tuition Reimbursement.**

The Authority shall reimburse covered employees for approved and completed courses, subject to the established schedule below, up to the annual exclusion amount established by the U.S. Tax Code, published by the Internal Revenue Service (IRS), for tuition reimbursement, subject to increases, when occurring.

### **5.1 Schedule of Reimbursement.**

- (a) If a grade of “A” is attained, reimbursement shall be 100%, subject to the annual exclusion amount stated above;
- (b) If a grade of “B” is attained, reimbursement shall be 80%, subject to the annual exclusion amount stated above;
- (c) If a grade of “C” is attained, reimbursement shall be 60% subject to the annual exclusion amount stated above; and
- (d) In the case of a Pass/Fail course, if a “Pass” is attained, reimbursement shall be 80%, subject to the annual exclusion amount stated above

### **5.2 Reimbursement Request Form.**

Following completion of the course(s) and receipt of grade(s), the employee shall be required to complete a Reimbursement Request Form and submit it to the Human Resources Department for approval and payment.

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

<b>Re: USE OF AUTHORITY DISCRETIONARY FUNDS</b>	<b>Policy No. 51</b>
-----	
<b>Application: All Employees</b>	<b>Adopted: 04/28/2016 Amended: 10/20/2022<sup>1</sup> 09/20/2023</b>

**PURPOSE**

To promote conformity of Authority practices with New York State Authority Budget Office policy guidance on use of Authority discretionary funds.

**POLICY**

The Authority is legally obligated to expend funds only for purposes relating to the Authority’s mission or advancing its core purposes and objectives.

**PROCEDURE**

**Section 1 Inappropriate Use of Authority Funds.**

Inappropriate use of Authority funds would include but not be limited to:

- Food, beverages, and other refreshments purchased for the personal use of commissioners, management, or other employees, or by persons with whom the Authority conducts business except as a part of an authorized travel and training request where prior authorization is received; or
- Flowers and gifts\* for commissioners, officers, staff, or family members; or
- Subsidized or free use of Authority services for the personal use by current or former commissioners, staff, or family members; or

---

<sup>1</sup> This Use of Authority Discretionary Funds Policy replaces H.R. Policy No. 51.0 (Proper Use of Authority Discretionary Funds).

- Celebrations for special occasions that do not directly relate to the purpose of the Authority, such as catering or decorations for summer picnics, office parties or holiday or retirement parties\*; or
- Charitable contributions or sponsorships of events not associated with the Authority's mission; or
- Purchases of alcohol or tobacco products; or
- Membership dues in professional organizations solely on behalf of employees; Authority membership in organizations such as AWWA, GFOA, NYSGFOA, AMWA, SAMPO and similar industry specific trade groups where a staff member or employee is named as a representative member is allowed; or
- Renewal of professional licenses for staff, except as is allowed in collective bargaining agreements; or
- Personal use of Authority vehicles, unless properly documented for tax purposes; or
- Costs to purchase or mail holiday cards, invitations, or expressions of sympathy to staff or families of Authority staff; or
- Assignment of cell phones or vehicles to non-authority staff.

\*De minimus expenditures for the Annual Employee Service Awards program are allowed.

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

**Re: LEAVES OF ABSENCE**

**Policy No. 61**

-----  
**Application: All Employees**

**Amended: 10/02/2014  
10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

To provide guidelines whereby employees may maintain continuity of service in instances where circumstances require their absence from work.

## **POLICY**

Leaves of absence may be granted to full-time employees when circumstances covered by this policy require an employee's absence. The duration of each leave of absence and wages received by the employee during the leave of absence, if any, shall be decided in accordance with the criteria established by this policy and any applicable Collective Bargaining Agreements.

## **LEAVES OF ABSENCE**

### **A) LEAVES OF ABSENCE WITH PAY.**

#### **Section 1 Bereavement (Death in Family).**

**1.1 Leave.** Upon the death of the following family members, a leave of absence shall be granted for not more than four (4) working days

---

<sup>1</sup> This Policy 61 Leaves of Absence consolidates, revises, and replaces H.R. Policy Nos. 42.0 (Bereavement Leave), 61.0 (Leaves of Absence) and 62.0 (Jury Duty or Court Appearance Leave) and is intended to be consistent with the respective Collective Bargaining Agreements.

beginning with the date of death of the relative. The four (4) days do not need to be used immediately or consecutively but the employee may delay or break up such days as necessary to address death-related matters. The days, however, must be used within fourteen (14) days of the date of death.

- current spouse or domestic partner
- child (natural, adopted, foster, or step)
- grandchild
- parent (natural, adopted, foster, or step)
- grandparent
- sibling ( natural, adopted, foster, or step)
- current father-in-law or current mother-in-law; or

Upon the death of the following family members, a leave of absence will be granted for the day of the funeral and/or memorial service:

- uncle
- aunt
- current brother-in-law or current sister-in-law
- son-in-law or daughter-in-law
- niece or nephew
- step mother-in-law or step father-in-law of an employee

## **1.2 Procedure.**

- Notification.** The employee shall notify his or her immediate supervisor of any such absence at the earliest opportunity prior to the time he/she is scheduled to report for work. He/she shall state the reason for such absence and the number of days he/she will be necessarily absent from work because of such death.
- Return to Work.** Upon return to work, the employee will be asked to complete the approved form for bereavement leave and provide a copy of proof of death.
- Conditions.** Bereavement leave will only be paid for scheduled workdays and not for days off occurring within such period such as holiday pay or sick leave pay.

## **Section 2 Blood Donations.**

### **2.1 Leave.**

- In accordance with Labor Law § 202-j, you may be excused from work for up to three (3) hours of leave of absence in any



twelve-month period to donate blood, including travel time to donate during your normal work hours; or

- (b) The Authority may allow its employees, without use of accumulated leave time, to donate blood during work hours at least two times per year at a convenient time and place set by the Authority, including allowing employees to participate in a blood drive at the Authority's place of employment.

## **2.2 Procedure.**

- (a) **Notification.** The employee shall notify his or her immediate supervisor of any such absence and get prior approval from the supervisor.
- (b) **Return to Work.** To receive compensatory time for a blood donation, an employee must return to work immediately after making the donation, if made during the workday.
- (c) **Conditions.**
  - (1) An employee may not receive a fee for the donation; and
  - (2) An employee must provide proof of being a blood donor.

## **Section 3 Bone Marrow and Organ Donor Leave.**

**3.1 Leave.** Employees will be granted leave with pay for purposes of bone marrow donation (up to 7 days) or organ donation (up to 30 days).

### **3.2 Procedure.**

- (a) **Notification.** The employee shall notify his or her immediate supervisor of any such absence with not less than fourteen (14) days prior written notice of an intention to utilize such leave, unless there exists a documented medical emergency, attested to by a physician.
- (b) **Additional Leave.** Such leave shall be in addition to any other sick or annual leave allowed.
- (c) **Return to Work.** The employee must furnish the Authority with a satisfactory medical documentation upon the completion of the procedure.

## **Section 4 Cancer Screening.**

**4.1 Leave.** Employees are permitted up to four (4) hours of leave with pay each calendar year for cancer screening.

### **4.2 Procedure.**

- (a) **Notification.** Employees should request approval from their supervisor in advance of using the leave benefit.
  
- (b) **Documentation.** Employees need to furnish satisfactory medical documentation upon completion of the cancer screening on forms approved by the Authority.
  
- (c) **Conditions.**
  - (1) The four (4) hours do not carry over from year to year.
  - (2) Travel time is included and any additional time away from work should be charged to appropriate accruals.
  - (3) Employees who choose to have this screening outside their scheduled hours of work are not entitled to compensatory time.

## **Section 5 Civil Service Examination and Interviews Within the Authority.**

**5.1 Leave.** Employees will be permitted time off to take a New York State Civil Service Examination or attend an interview for a position *within the employment of the Authority only*.

**5.2 Procedure.** Employees need to provide a written request in advance to the department head for approval, to be granted a leave of absence with pay on a day when he or she is scheduled to work and intends to attend an examination or interview.

## **Section 6 Community Outreach Program Participation (Personal Leave Credit)**

**6.1 Leave.** When the Board of Commissioners has approved the Authority's participation in a Community Outreach Program upon such terms and conditions as set forth in the approving resolution, an employee may earn one (1) day of personal leave credit for participating in a Community Outreach Program.

- (a) An employee is limited to one (1) Personal Leave Credit per year for participating in one or more Community Outreach Program(s) in a calendar year.
- (b) Employees subject to a collective bargaining agreement, may be eligible to participate in Community Outreach Programs upon such terms and conditions as set forth by the Board of Commissioners and if the collective bargaining unit approves participation subject to terms and conditions established by the collective bargaining unit.
- (c) A Community Outreach Program may include any program soliciting volunteers to provide services to those living in Erie County, including but not limited to the United Way “Day of Caring,” the Buffalo News “Kids Day” and the DEA “National Prescription Drug Take Back Program.”
- (d) All programs must be pre-approved by the Board of Commissioners for an employee to be eligible for Personal Leave Credit.

## **Section 7 Conference/Professional Education.**

**7.1 Leave.** Employees may be permitted to be absent from his/her scheduled workday to attend a professional conference or training seminar.

### **7.2 Procedure.**

- (a) Employees shall seek advance approval to attend the professional conference or training seminar.
- (b) In approving leave under this section, the Authority will consider course content, correlation to job at the Authority, and determine if the employee’s absence would adversely affect operations.

## **Section 8 Jury or Court Attendance.**

**8.1 Leave.** It is the policy of the Authority to grant time off with pay for each scheduled workday or days to an eligible employee for required attendance by the employee as a witness, as a trial juror or a grand juror in the courts of Erie County or is subpoenaed to appear in a proceeding unless the employee has a personal interest in an action or proceeding or is receiving a fee

for testifying as an expert witness.

## **8.2 Procedure.**

- (a) **Notification.** An employee applying for a leave must submit a written request to the Secretary to the Authority in advance of the required court attendance date.
- (b) **Documentation.** The request must be accompanied by a copy of the jury summons, witness subpoena or court order necessitating such attendance.
- (c) **Essential Employees.** If requested, the employee must cooperate in requesting release from or delay of jury duty when it is determined that the employee's absence would adversely affect operations.
- (d) **Jury Duty or Court Attendance Ends Early.** If the employee's services as a juror or for court attendance are not required for all or any part of a day, the employee must immediately advise his supervisor and report to work if requested.
- (e) **Fees Received by Employee for Service.** No deduction shall be made from the pay of an employee because of witness or jury fees received by him or her.
- (f) **Medical or Disability Leave at Time of Court Appearance.** If you are on medical or disability leave at the time of your jury service or Court appearance, you will not be able to deduct accrual charges during your period on leave.
- (g) **Illness.** If you are unable to report to jury service or a Court appearance due to illness, you must charge the days to sick leave. It is your responsibility to notify your supervisor as well as the jury clerk or court that you are unable to report at the specified time of appearance and unable to report to work.
- (h) **Return to Work.**
  - (1) At the conclusion of your jury service, you must provide a copy of your jury certification to your supervisor for payroll purposes, along with the Authority approved form for leave based on jury duty.

- (2) The Authority may require proof by certification of the Court Clerk of the number of days and the dates of any Court attendance.

## **Section 9 Military Service.**

**9.1 Leave.** The Authority shall grant a leave of absence with pay pursuant to the provisions of the Military Law of the State of New York and the Uniform Services Employment and Re-employment Rights Act (USERRA) of 1994.

### **9.2 Procedure.**

(a) **Notification.** The employee shall notify the Authority with verbal and/or written notice in advance of all military duty.

(b) **Rate of Pay.**

- 1) The Authority will pay full salary for 30 days or twenty-two working days per each calendar year, whichever is greater.
- 2) If the employee is ordered to serve for a period beyond thirty (30) days or twenty-two (22) working days, whichever is greater, the Authority will pay the difference between the employee's daily military rate and the employee's daily salary rate until such time as the employee returns from active duty or a period of six months has elapsed, whichever comes first.

## **Section 10 Parental Leave (Bonding Leave, Maternity Leave, Paternity Leave)**

### **10.1 Leave.**

(a) If you anticipate being absent from work due to the birth of a child or due to adoption or foster care placement of a child under age 18, contact the Director of Human Resources for leave options available to you.

- (1) Any employee who requests leave under the terms of the FMLA must utilize accrued paid time off (vacation, personal, compensatory time, or sick leave, if applicable) before any non-paid time off shall be utilized.

- (b) Union employees should refer to applicable provisions in their Collective Bargaining Agreements.

## **Section 11 Personal Leave with Pay (PL Time).**

### **11.1 Leave.**

- (a) Personal leave shall mean a leave of absence from scheduled work granted to an employee to conduct personal business or to meet a religious obligation of his or her faith that cannot be met in the employee's time off from work.
- (b) An employee shall be granted a total of five (5) personal leave days in a calendar year.

### **11.2 Procedure.**

- (a) Paid personal leave may be used only at a time convenient to and approved in advance by the Authority and where the circumstances are such that it will not interfere with the Authority's functions and operations.
- (b) Where maintenance of the work force requires the Authority to deny requests for personal leave on a particular day, and only a limited number of employee requests can be approved for that day, the person requesting personal leave at the earliest time will be given preference within job classifications.
- (c) A request for personal leave shall be made two (2) working days in advance to the Authority stating the time of such requested leave. In case of an emergency, advance notice will be waived, however, the Authority reserves the right to require the nature of the emergency to be explained in writing.
- (d) Unused personal leave days cannot be carried over to the next year. Any such unused days will be added to accumulated sick leave but will not increase the maximum sick leave accrual permitted.

## **Section 12 Union Officials Leave.**

Under the terms and conditions of the applicable collective bargaining agreement, union officials shall be entitled to a leave with pay to represent the local Union at council meetings, conventions, or other Union business. For more information, refer to the applicable collective bargaining agreements.

## **Section 13 Wellness Programs Attendance.**

**13.1 Leave.** To promote the health and wellbeing of Authority employees, leave shall be granted to employees who attend recognized Labor Management Health Fund (LMHF) Wellness and Fitness Retreats.

### **13.2 Procedure.**

- (a) Employees who provide proof of attendance at LMHF sponsored retreats will be allowed to use available sick leave benefit time for up to 50% of the time used to attend such retreats, up to a maximum of 2.5 days of sick time.
- (b) Employees must use their own available vacation, personal or compensation time for the balance of leave time necessary to attend these retreats.
- (c) Sick leave time used to attend these retreats will not be included in calculations relative to the Absentee Control Program or employee Sick Leave Bonus/Buyout programs.

## **Section 14 Leave Required by Law.**

Notwithstanding the provisions in this Policy, the Authority shall grant any leave of absence with pay required by law.

## **B) LEAVE OF ABSENCE WITHOUT PAY.**

### **Section 1 Policy.**

An employee may submit a written request for a leave of absence *without* pay to the Secretary of the Authority.

### **Section 2 Procedure.**

#### **2.1 Leave of Thirty (30) Days or Less.**

- (a) If the leave of absence is for thirty (30) calendar days or less, the employee will make a written request to the Secretary of the Authority.

- (b) The written request shall include the reason for the request and the length of time requested.
- (c) The Secretary, in his/her discretion may approve a leave for thirty (30) calendar days or less.

## **2.2 Leave of Greater than thirty (30) days.**

- (a) If the leave of absence without pay request exceeds thirty (30) calendar days, the employee will submit a written request to the Secretary to the Authority.
- (b) The written request shall include the reason for the request and the length of time requested.
- (c) The Board of Commissioners will decide whether to grant a leave of absence without pay of more than thirty (30) days.
- (d) The employee requesting the leave without pay will be advised of the Authority's decision within a reasonable time after the decision has been made.

## **C) MISCELLANEOUS PROVISIONS APPLICABLE TO LEAVE REQUESTS.**

### **Section 1 Service Accrual While on Leave.**

**1.1 Continuity and accrual of employment service** *with the Authority* is maintained during periods of paid and unpaid leaves of absence.

**1.2 Vacation Credits.** An employee shall earn vacation credits based upon his or her total accrued service in any permanent position or positions in the employment of the Authority.

**1.3 Sick Leave Benefits.** An employee absent from work on an authorized leave of absence with full pay such as vacation, holidays, sick leave, military service, and other authorized leaves of absence with pay, shall be deemed "working" and earning sick leave credits within the meaning of Authority policy or an applicable collective bargaining agreement. Unpaid leave time does not count toward earning sick leave credits.

### **Section 2 Returning from Leave.**

**2.1 Return from Leave.** Employees granted a leave of absence must



return to work on the first scheduled workday following the expiration of the leave.

**2.2 Failure to Return to Work from Leave.** If an employee fails to return to work at the conclusion of his/her leave, the employee will be considered having abandoned his/her position and employment will be terminated.

### **Section 3 Family Medical Leave Act.**

**3.1 The Act.** The Family and Medical Leave Act (FMLA) requires the Authority to extend to eligible employees as defined by the provisions of the Act, the right to be absent from work for certain and family medical reasons without loss of job security or group health insurance benefits for up to twelve (12) weeks each calendar year. Employees should consult with the Authority's Human Resources Department to determine their eligibility for FMLA.

#### **3.2 Military Family Leave.**

- (a) Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves may use the 12 weeks to address certain military events.
- (b) FMLA also includes a special leave that permits eligible employees to take up to 26 weeks to care for a covered service member during a single 12-month period. Any employee who requests or is placed on leave under the Family Medical Leave Act of 1993, must utilize accrued paid time off (vacation, personal or compensatory) or sick leave, as outlined in Policy No. 47, Sick Leave Benefits, before any non-paid time off is utilized.

### **Section 4 Insurance Benefits Continuation During Leave.**

#### **4.1 Medical/Dental/Vision.**

- (a) **Paid Leaves of Absence.** Insurance coverage continues throughout the duration of the paid leave.
- (b) **Unpaid Leaves of Absence.** Authority paid coverage continues to the end of the month in which an unpaid leave begins. Thereafter, an employee may elect employee-paid continuation coverage under COBRA. COBRA is explained further in Policy No. 45, COBRA Continuation Benefits. Additional provisions may apply under FMLA leave.

## **Section 5 Life Insurance Continuation During Leave.**

**5.1 Coverage.** Life Insurance Coverage continues in force for the duration of a paid leave only.

## **Section 6 Long-Term Disability Continuation During Leave.**

**6.1 Coverage.** Long Term Disability coverage continues in force for the duration of a paid leave only.

## **Section 7 Sick Leave of Absence.**

**7.1 Policies and procedures** covering absences necessitated by the illness or other disability of the employee or immediate family members are further explained in Policy No. 47, Sick Leave or in the applicable collective bargaining agreement.

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

<b>Re: NON-DISCRIMINATION and ANTI-HARASSMENT POLICY &amp; CLAIM PROCEDURE</b>	<b>Policy No. 75</b>
--	----------------------

<b>Application: All Employees</b>	<b>Amended: 01/26/2012 10/04/2018 10/20/2022<sup>1</sup> 09/20/2023</b>
-----------------------------------	---

**POLICY**

The Erie County Water Authority (ECWA) is committed to a work environment in which all individuals are treated with respect and dignity. Everyone has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, ECWA expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice, and harassment.

ECWA has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination, and retaliation. ECWA will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of ECWA prohibit disparate treatment based on sex or any other protected characteristic, regarding terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

---

<sup>1</sup> This Non-Discrimination and Anti-Harassment Policy & Claim Procedure replaces H.R. Policy Nos. 74.0 (Equal Employment Opportunity); 75.0 (Anti-Harassment), 76.0 (Complaint Resolution) and 78.0 (Discrimination Complaint Procedure).

Any employee who has questions or concerns about these policies should talk with the Director of Human Resources or the Secretary of the Authority.

## **PROCEDURE**

### **Section 1 Equal Employment Opportunity.**

**1.1 Opportunity.** It is the policy of ECWA to ensure equal employment opportunity without discrimination or harassment based on race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. ECWA prohibits any such discrimination or harassment.

### **Section 2 Retaliation.**

**2.1 Reporting of Incidents.** ECWA encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of ECWA to investigate such reports promptly and thoroughly. ECWA prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### **Section 3 Sexual Harassment.**

**3.1 Sexual harassment** constitutes discrimination and is illegal under federal, state, and local laws. Sexual harassment includes harassment based on sex, sexual orientation, gender identity and transgender status.

**3.2 Definition of Sexual Harassment.** For the purposes of this policy, “sexual harassment” is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or

creating an intimidating, hostile or offensive working environment.

**3.3 Title VII of the Civil Rights Act of 1964** recognizes two types of sexual harassment:

- (a) quid pro quo; and
- (b) hostile work environment.

**3.4 Examples of Sexual Harassment** may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

## **Section 4 Harassment.**

**4.1 Harassment based on any other protected characteristic** is also strictly prohibited.

**4.2 Definition of other Harassment.** Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends, or associates, and that:

- (a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; or
- (b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (c) otherwise adversely affects an individual's employment opportunities.

**4.3 Examples of Harassing Conduct.** Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts;

denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

## **Section 5 Individuals and Conduct Covered.**

**5.1 Policies apply to all applicants and employees**, whether related to conduct engaged in by fellow employees or by someone not directly connected to ECWA (e.g., an outside vendor, consultant, or customer).

**5.2 Conduct prohibited** by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

## **Section 6 Awareness and Training.**

**6.1 Training.** The Director of Human Resources will plan and conduct anti-harassment training on an annual basis. New employees will receive such training at their orientation, but no later than thirty (30) calendar days of their dates of hire.

## **Section 7 Reporting an Incident of Harassment, Discrimination or Retaliation.**

**7.1 Reporting Incidents.** ECWA encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position.

**7.2 Potential Victims.** Individuals who believe that they have been the victim of such conduct should:

- (a) discuss their concerns with their immediate supervisor, the Director of Human Resources, the Secretary of the Authority, or any Division or Department Head .
  
- (b) In addition, ECWA encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to

request that it be discontinued. Often this action alone will resolve the problem. ECWA recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

- (c) If an individual believes he or she has been subjected to conduct which violates this policy by a member of the Board of Commissioners, the individual may report the alleged act to a member of the Authority's Independent Ethics Panel ("IEP").

## **Section 8 Complaint Procedure.**

**8.1 Discussion of Concerns.** Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, the Director of Human Resources, the Secretary of the Authority, or any Division or Department Head.

**8.2 ECWA encourages the prompt reporting** of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. While no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

- (a) Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- (b) ECWA will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

### **8.3 Retaliation for Reporting.**

- (a) Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.
- (b) Acts of retaliation should be reported immediately and will be promptly investigated and addressed.
- (c) Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as ECWA believes appropriate under the circumstances.
- (d) If a party to a complaint does not agree with its resolution, that party may appeal to ECWA's Board of Commissioners.
- (e) False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.
- (g) The Secretary of the Authority shall maintain a record of every reported incident of discrimination or harassment, whether reported verbally or in writing.

## **Section 9 Legal Protection and External Remedies.**

Discrimination, harassment, or retaliation is not only prohibited by ECWA but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at ECWA, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

**9.1 State Human Rights Law (HRL).** The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State regarding discrimination and harassment, and



protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

- (a) Complaints with DHR may be filed any time **within three years** of the discrimination or harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination or harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.
- (b) Complaining internally to ECWA does not extend your time to file with DHR or in court. The three years is counted from date of the most recent incident of harassment.
- (c) You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.
- (d) DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination or harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.
- (e) DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).
- (f) Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

**9.2 Civil Rights Act of 1964.** The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-

discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.).

- (a) An individual can file a complaint with the EEOC anytime within three hundred (300) days from the discrimination or harassment.
- (b) There is no cost to file a complaint with the EEOC.
- (c) The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.
- (d) The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.
- (e) In general, private employers must have at least fifteen (15) employees to come within the jurisdiction of the EEOC.
- (f) An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).
- (g) If an individual files an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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

<b>Re: DRUG &amp; ALCOHOL POLICY &amp; TESTING PROCEDURES</b>	<b>Policy No. 79</b>
---	----------------------

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>  
09/20/2023**

## **PURPOSE**

The Authority has a long-standing commitment to provide a safe, quality oriented and productive work environment. Alcohol and drug misuse poses a threat to the health and safety of Authority employees and the public, and to the security of the Authority's equipment and facilities. For these reasons, the Authority is committed to the elimination of drug and alcohol use and misuse in the workplace.

## **POLICY**

The Erie County Water Authority is committed to protecting the safety, health, and well-being of the workplace. To that end and in compliance with the Drug-Free Workplace Act of 1988, as well as other applicable state, federal and local laws the Authority has established the following drug- and alcohol-free workplace program. These policy and procedures are also consistent with the terms and conditions set forth in the respective collective bargaining agreements for White- and Blue-Collar employees.

## **PROCEDURE**

### **Section 1 Enforcement**

#### **1.1 Co-Workers Reporting Obligations.**

---

<sup>1</sup> This Drug & Alcohol Policy & Testing Procedures replaces H.R. Policy 79.0 (Drug-Free Workplace) and H.R. Policy 88.0 (Drug & Alcohol Testing Policy) and is intended to be consistent with the terms and conditions agreed upon by the respective collective bargaining units for White-Collar and Blue-Collar employees.

Any employee who observes or has personal knowledge of any violation of the alcohol and drug-free workplace policy is encouraged to promptly report the incident to the Human Resources Department.

## **1.2 Inspections.**

- (a) To implement this Policy, the Authority reserves the right to conduct unannounced random inspections for drug or alcohol of Authority facilities and property (i.e., Authority vehicles, desks, file cabinets, employee lockers).
- (b) Employees are expected to cooperate in the conducting of such inspections. Inspections of Authority facilities and property can be conducted at any time and do not have to be based on reasonable suspicion.
- (c) Inspections of employees and their personal property (i.e., vehicles, clothing, packages, purses, briefcases, lunch boxes, or other containers brought onto Authority premises) may be conducted when there is reasonable suspicion that the employee or employees are in violation of this Policy.

## **1.3 Compliance as a Condition of Employment.**

All employees are to be notified by their immediate supervisor that full compliance with the drug-free workplace policy shall be a condition of employment.

## **Section 2 Abbreviations:**

- (a) ATF: Alcohol Testing Form
- (b) BAT: Breath Alcohol Technician
- (c) CCF: Testing Custody and Control Form
- (d) CDL: Commercial Driver's License
- (e) DEA: Drug Enforcement Administration
- (f) DER: Designated Employer Representative
- (g) EBT: Evidential Breath Testing
- (h) ECWA: Erie County Water Authority
- (i) MDMA: Methylenedioxymethamphetamine
- (j) MRO: Medical Review Officer
- (k) NHTSA: National Highway Traffic Safety Administration
- (l) NIDA: National Institute for Drug Abuse
- (m) OTC: Over the Counter
- (n) PCP: Phencyclidine

- (o) SAP: Substance abuse professional
- (p) SVT: Specimen validity tests

## **Section 3 Questions and Answers.**

### **3.1 Who is covered by these drug and alcohol policies and procedures?**

The Authority prohibits the use of alcohol and/or controlled substances by its employees on Authority premises and anywhere while engaged in Authority business. These rules and procedures apply to all ECWA employees. Employees performing safety-sensitive functions, including but not limited to employees required to have a CDL license to operate a commercial vehicle, are subject to additional restrictions and limitations as mandated by federal and state laws.

**Note:** The task you actually perform qualifies you as a safety-sensitive employee, not your job title.

### **3.2 What conduct is prohibited?**

Keep the following in mind when preparing to report to work:

- (a) You must not report for service, or remain on duty if you:
  - (1) Are under the influence or impaired by alcohol;
  - (2) Have a blood alcohol concentration .04 or greater;
  - (3) If you are performing a safety-sensitive function, have a blood alcohol concentration of .02 to .039;

**NOTE:** If you are under 21 years of age, you may not operate any vehicle with a blood alcohol concentration of .02 or higher under the New York State Zero Tolerance Law.

- (4) Have used any illicit drug.
- (b) You must not use alcohol within four hours of reporting for service or after receiving notice to report.
- (c) You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.

- (d) You must not refuse to submit to any test for alcohol or controlled substances.
- (e) You must not refuse to submit to any test by adulterating or substituting your specimen.
- (f) You must not use or possess alcohol or any illicit drug on the Authority premises and anywhere while engaged in Authority business.

### **3.3 What are the drugs for which the Authority will test?**

- (a) Authority drug tests are conducted using urine and hair specimens. The urine and hair specimens are analyzed for the following:
  - Marijuana metabolites
  - Cocaine metabolites
  - Amphetamines including methamphetamine, MDMA
  - Opioids - codeine, heroin (6-AM), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
  - Phencyclidine (PCP)

### **3.4 Can you use prescribed medications and over the counter (OTC) drugs and perform safety-sensitive functions?**

- (a) Prescription medicine and OTC drugs may be allowed; however, you must meet the following minimum standards:
  - (1) The medicine is prescribed to you by a licensed physician, such as your personal doctor.
  - (2) The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

**Best Practice:** To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- (3) The substance is used at the dosage prescribed or authorized.<sup>2</sup>
- (4) If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- (5) Taking the prescription medication and performing your Authority safety-sensitive functions is not prohibited by Authority drug and alcohol rules.

**NOTE:** If you are using prescription or over-the-counter medications, check first with a physician, but do not forget to consult your industry-specific regulations before deciding to perform safety-sensitive tasks. Also be sure to refer to your company's policy regarding prescription drugs.

### **3.5 When will testing be conducted?**

- (a) Employees are subject to drug or alcohol testing in the following situations:

#### **(1) Pre-Employment Testing:**

- (a) All candidates for permanent full-time employment will be required to undergo both urine and hair drug testing after a conditional offer of employment has been made.

- (1) ***Hair Testing:*** When hair testing is utilized, the employee will be required to provide a sample of hair between 0.5 and 1.5 inches in length for testing. The donor's hair is cut near the rear of the crown

---

<sup>2</sup> While New York allows the use of marijuana, federal laws and policy do not recognize any legitimate use, medical or otherwise. Even if a state allows the use of marijuana, FMCSA regulations prohibit commercial drivers with CDL licenses the use of marijuana and treat it as an illicit drug.

and as close to the scalp as possible. A sample of at least 120 strands will be taken. If the test subject has little or no hair, or head hair is less than one-half (1/2) inch long, body hair may be collected. In that case, a hair sample may be collected from chest, underarm, leg or facial hair.

(2) ***Hair Testing Procedure:*** Using a small sample of hair, hair drug testing analyzes, and evaluates the amount of drug metabolites entrenched inside the hair shaft.

(3) Testing Procedure includes the following steps:

- Clean the scissors with an alcohol wipe before obtaining-Ing hair sample.
- Collect the sample.
- Put the testing sample in the foil. Keep the root end out about 1/4 inch from the slanted end of the foil. Fold the foil sideways and place the sample inside the envelope with root ends to the left.
- Take the security seal from the left side of the Testing Custody and Control Form (CCF) and place it on the bottom of the envelope where indicated. Instruct the donor to initial and date the seal and envelope after the collector has placed the seal on the envelope. The collector then initials and dates the seal and envelope.
- Place the sealed specimen bag into the overnight shipping package and send the specimen to the designated Quest Diagnostics laboratory.

(2) **Reasonable Suspicion/Cause Testing:**

(a) ***Determination of Reasonable Suspicion:*** The person designated to confirm whether reasonable suspicion exists to require a covered employee to undergo alcohol or drug testing must be a managerial/confidential employee. The behavior giving rise to reasonable suspicion shall be a



recognized symptom of impairment, alcohol, or controlled substance abuse.

**NOTE:** Reasonable suspicion means suspicion based on a specific, contemporaneous, personal observation by a trained supervisor or another Authority official that can be objectively described regarding the appearance, behavior, job performance, speech or breath or body odors of an employee.

- (b) ***Initial Training of Supervisors:*** Supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol or drug testing shall receive formal training. Such training must be completed before the supervisor can require an employee to undergo a test.
- (c) ***Right to Representation:*** When a decision is made to test, a union employee shall be advised that the employee can consult with a Union representative, if the Union representative can respond without undue delay. Reasonable efforts shall be made (without delaying the process) to assist the employee in contacting a Union representative.
- (d) ***Arrangements for Testing:*** When a decision is made to test, the supervisor is to contact the Human Resources Department. If contact cannot be made at that time, the supervisor is to proceed through the next step of this procedure and contact the Human Resources Department as soon thereafter as possible.
- (e) ***Timing for Testing:*** A supervisor or a person designated by the HR Director will then transport the employee to the collection site for drug and/or alcohol testing immediately, but no later than eight (8) hours of having observed the behavior. If the drug or alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the supervisor determines there is a reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances, the supervisor will complete a report explaining the reason for the delay in conducting the drug and alcohol test. The person designated to accompany the employee is to wait at the clinic with the employee until the breath test has been completed or the urine sample has been taken.

(f) **Compensation:**

- (1) All time spent administering an alcohol or controlled substance test, stemming from reasonable suspicion, will be paid at the employee's regular rate of pay or at their overtime rate, if applicable, and will include travel time.
- (2) Any employee who is not allowed to return to work while awaiting test results arising out of reasonable suspicion may use paid leave benefits (vacation or personal leave) during the waiting period for time lost and will be reimbursed for the time lost, should the test results prove negative unless the employee is under a separate and unrelated disciplinary action for misconduct or incompetency.
- (3) If the employee requests the split specimen be tested by a certified laboratory of his/her choice, the employee is responsible for the cost of such test.
- (4) Union employees who participate in rehabilitation will be entitled to all accumulated contractual benefits as noted in the current collective bargaining agreement.

(c) **Random Testing:**

- (1) ***Random Alcohol Tests:*** The Authority shall administer random alcohol testing as determined by the annual rate of positive tests for all employees performing safety-sensitive functions, including employee required to have CDL licenses and operating commercial vehicles.
- (2) ***Random Drug Tests:*** The Authority shall not administer random drug testing to more than 50% of the employees with CDL licenses who are subject to federal regulations. The Authority will separately administer random drug tests on 50% of the remaining non-CDL, employees performing safety-sensitive functions.

- (3) ***Union Observation:*** During random tests, a union employee may request the appropriate steward to be present to observe the testing. Reasonable efforts shall be made to contact the Union Representative. The Union acknowledges that the representative may not interfere with the testing process.
- (4) ***Selection of Employees:*** The Authority shall select employees for testing through a computer-based random number generator utilizing employees' social security numbers. The Authority shall provide the Union with the computer-generated list of all employees tested on a quarterly basis.
- (5) ***Compensation:*** All time spent administering an alcohol or controlled substance test, including travel time, will be paid at the employee's regular rate of pay or at their overtime rate, if applicable.

(d) **Post-Accident Testing:**

- (1) As soon as practicable following an accident, the Authority shall test any employee, who may have contributed to an accident, for alcohol and controlled substances. These rules require testing even if the employee involved is not at fault. This testing will be required if:
- The accident involved the loss of human life; or
  - The employee received a citation under State or local law for a moving traffic violation arising from the accident;
  - The employee has known or documented prior incident(s) with alcohol and/or controlled substances; or\

- A motor vehicle accident causes damage to an Authority vehicle or property.
- (2) The alcohol breath test and the drug test should be administered within two (2) hours following the accident or as soon as practicable.
  - (3) An employee who is subject to Post-Accident Testing must remain readily available for such testing or will be deemed by the Authority to have refused to submit to testing.
  - (4) ***Right to Representation:*** When a test is required, a union employee shall be advised that the employee can consult with a Union representative, if the Union representative can respond without causing a delay in the testing process. Reasonable efforts shall be made (without delaying the process) to assist the employee in contacting a Union representative.
  - (5) ***Compensation:*** All time spent administering an alcohol or controlled substance test, stemming from Post-Accident Testing will be paid at the employee's regular rate of pay or at their overtime rate, if applicable, and will include travel time.
  - (6) Any employee who is not allowed to return to work while awaiting test results arising out of Post-Accident Testing may use paid leave benefits (vacation or personal leave) during the waiting period for time lost and will be reimbursed by the Authority for time lost should the test results prove negative unless the employee is under a separate and unrelated disciplinary action for misconduct or incompetency.
  - (7) **Return to Duty Testing:**
    - (a) No employee that has tested positive for alcohol and/or controlled substances may return to work duty without first having been evaluated by the SAP provider to determine the employee's fitness-for-duty. The SAP must determine that the employee is

fit to return to duty prior to the employee taking a return to duty test.

- (b) ***Designation of Substance Abuse Professional:*** The substance abuse professional (SAP) shall be either a licensed physician or a licensed or certified psychologist, social worker or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with clinical experience in the diagnosis and treatment of alcohol and prohibited drug-related disorders. The Authority shall select an SAP provider.
- (c) ***Employee Assistance Program:*** The Authority shall make available an Employee Assistance Program capable of evaluating and resolving problems associated with the misuse of alcohol and use of prohibited drugs.
- (d) ***Leave of Absence:*** A leave of absence will be allowed for treatment on an in-patient or out-patient basis. While on a leave of absence, the employee may use accumulated sick leave credits, vacation, personal leave, or other accrued leave time up to the limits set forth in the Collective Bargaining Agreement or other applicable laws, rules, or regulations, including any discretionary leave rights. Otherwise, the leave of absence shall be without pay. Nothing herein shall be construed to diminish any rights which may apply under the ADA, FMLA or other relevant laws.
- (e) ***Return to Work:*** After any positive alcohol or controlled substance test or following any treatment for substance abuse that may be required, prior to returning to duty, an employee must undergo a return-to-duty alcohol and/or controlled substance test with a result indicating an alcohol concentration of less than 0.02 percent and a verified negative result for controlled substance use. The SAP who evaluated the employee will make the determination as to when the employee shall take the return to duty tests.

**(8) Follow-up Testing:**

- (a) Any employee that has tested positive for alcohol and/or controlled substances will be subject to unannounced follow-up alcohol and/or controlled substances testing as recommended by the SAP provider.
- (b) An employee that is required to be subject to follow up testing will be given at least six (6) random tests during the first 12-month period after returning to duty with the possibility of follow-up testing for up to 60 months after the employee returns to duty.
- (c) During follow-up tests, any Union employee shall be advised of the employee's right to have a Union representative present to observe the testing. Reasonable efforts shall be made to assist the employee in contacting the Union representative. The Union acknowledges that the representation may not interfere with the testing process.



### 3.6 How is a urine drug test administered?

(a) The drug testing process consists of three components, which is summarized as follows:

#### (1) The Collection:

During the collection process, a urine specimen collector will:

(a) Verify employee's identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.

(b) Create a secure collection site by:

- Restricting access to the site to only those being

tested.

- Securing all water sources and placing blue dye in any standing water.
- Removing or securing all cleaning products/fluids at the collection site.

- (c) Afford employee privacy to provide a urine specimen.
- (d) Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- (e) Ask employee to remove any unnecessary garments and empty his/her pockets (employee may retain his/her wallet).
- (f) Instruct employee to wash and dry his/her hands.
- (g) Select or have employee select a sealed collection kit and open it in the employee's presence.
- (h) Request employee to provide a specimen (a minimum of 45 ml) of urine into a collection container.
- (i) Check the temperature and color of the urine.
- (j) In employee's presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask employee to sign the seals after they have been placed on the bottles.

**Note:** Neither employee nor the collector should let the specimen out of their sight until it has been poured into two separate bottles and sealed.

- (k) Ask employee to provide his/her name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the CCF. This is so the Medical Review Officer (MRO) can contact employee directly if there are any questions about the test.



- (l) Complete necessary documentation on the "Test Facility Copy" (Copy #1) of the CCF to demonstrate the chain of custody (i.e., handling) of the specimen.
- (m) Give employee the Employee Copy (Copy# 5) of the CCF and may suggest the employee list any prescription and over-the-counter medications the employee may be taking on the back of his/her copy of the CCF (this may serve as a reminder for the employee in the event the MRO calls the employee to discuss the test results).
- (n) Package and ship both sealed bottles and completed CCF to a certified testing laboratory as quickly as possible.
- (o) If you are unable to provide 45 ml of urine on the first attempt, the time will be noted, and you will be:
- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from the Authority,
  - Leaving the testing area without authorization may be considered a refusal to test.
  - Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and
  - Asked to provide a new specimen (into a new collection container).
  - If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation<sup>3</sup> within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be treated as a refusal to test.

---

<sup>3</sup> The physical exam is scheduled after the designated Authority representative consults with the MRO. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the MRO.

**(2) Testing at the Laboratory:**

At the laboratory, the staff will:

- (a) Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- (b) Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
- (c) If the specimen tests negative in either test, the result will be reported as a negative.
- (d) Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- (e) Report the findings of the analysis of the A bottle to the MRO.
- (f) Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

**NOTE:** The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

**(3) Review by the Medical Review Officer (MRO):**

- (a) Upon receipt of the test result from the laboratory, the MRO will:
  - (1) Review paperwork for accuracy.
  - (2) Report a negative result to the Designated Employer Representative (DER).
  - (3) If the result is positive, conduct an interview with the employee to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.

(4) If the result is an adulterated or substituted test, conduct an interview with the employee to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.

(5) Report a non-negative test result to the DER if:

- Employee refused to discuss the results with the MRO;
- Employee did not provide the MRO with acceptable medical documentation to explain the non-negative test result.

(6) Inform employee that he/she have 72 hours from the time of the verified result to request to have your B "split" bottle sent to another certified lab for analysis for the same substance or condition that was found in the A "primary" bottle.

**3.7 If, you disclose prescribed medication use or medical information to the Medical Review Officer (MRO), will the MRO report that information to a third party?**

(a) In accordance with federal and state regulations, the MRO is required to report an employee's medication use/medical information to a third party (e.g., an employer, health care provider responsible for the employee's medical qualifications), if the MRO determines in his/her reasonable medical judgement that the employee may be medically unqualified to continue in his/her employment duties or if the employee's continued performance is likely to pose a significant safety risk. The MRO may report this information even if the MRO verifies the employee's drug test result as 'negative'.

(b) Prior to the MRO reporting the employee's information to a third party, the employee will have up to five days to have his/her prescribing physician contact the MRO.

(1) The employee is responsible for facilitating the contact

between the MRO and his/her prescribing physician.

- (2) The employee's prescribing physician should be willing to state to the MRO that the employee can safely perform his/her duties, as well as any safety-sensitive functions, while taking the medication(s), or consider changing the medication to one that does not make the employee medically unqualified or does not pose a significant safety risk.

### **3.8 How is an alcohol test administered?**

- (a) The Authority directs all alcohol testing be performed in a manner to ensure the validity of the testing as well as provide confidentiality of the employee's testing information.
  - (1) At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), using only an approved testing device, will:
    - (a) Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
    - (b) Require employee to sign Step #2 of the Alcohol Testing Form (ATF).
    - (c) Perform a screening test and show the employee the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no action to be taken. The technician will document the result on the ATF, provide the employee with a copy and provide a copy to the Authority.
    - (d) If the screening test result is 0.02 or greater, the employee will be required to take a confirmation test, which can only be administered by BAT using an Evidential Breath Testing (EBT) device. The BAT will:
      - (e) Wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, employee is not allowed to eat, drink, smoke, belch, put anything in his/her mouth or leave the testing area.

**NOTE:** Leaving the testing area without authorization may be considered a refusal to test.

- (f) Perform an "air blank" (which must read 0.00) on the EST device to ensure that there is no residual alcohol in the EST or in the air around it.
  - (g) Perform a confirmation test using a new mouthpiece.
  - (h) Display the test result to you on the EST and on the printout from the EST.
  - (i) Document the confirmation test result on the ATF, provide the employee with a copy and provide a copy to the Authority.
  - (j) Report any result of 0.02 or greater immediately to the employer.
- (2) If after several attempts the employee is unable to provide an adequate amount of breath, the testing will be stopped. The employee will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.
- (3) When alcohol testing has been completed, if a positive confirmatory test result has been received (0.02 percent or above) the employee will not be permitted to drive his/her own vehicle home. The employee must make alternative transportation arrangements to leave the collection site or employment site.

### **3.9 Should you refuse a test if you believe you was unfairly selected for testing?**

**Rule of Thumb:** Comply then make a timely complaint.

- (a) If you are instructed to submit to a drug or alcohol test and you do not agree with the reason or rationale for the test, take the test anyway. Do not interfere with the testing process or refuse the test.

- (b) After the test, express your concerns to the HR Director in a letter to the Human Resources Department, by following any agreed upon labor grievance procedure if you are a union employee. Whomever you decide to contact, please contact them as soon as possible after the test.

### **3.10 What is considered a refusal to test?**

- (a) In accordance with applicable federal and state laws and regulations, you may not refuse to be tested. The following are some examples of conduct that the applicable laws define as refusing a test:

(1) **Drug Testing:**

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine sample for any test.
- Failure to permit the observation or monitoring of you providing a urine sample

**NOTE:** Tests conducted under direct observation or monitoring occur in limited situations. Most specimens are provided in private.

- Failure to provide enough urine when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to undergo a medical evaluation as part of "shy bladder" procedures.
- Providing a specimen that is verified as adulterated or substituted.
- Failure to cooperate with any part of the testing

process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).

- Failure to follow the observer's instructions [during a direct observation collection] to raise your clothing above the waist, lower clothing, and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

(2) **Alcohol Testing:**

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to sign Step #2 of the ATF
- Failure to provide a breath sample for any test.
- Failure to provide a sufficient breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to undergo a medical evaluation as part of "shy lung" procedures.
- Failure to cooperate with any part of the testing process.

### **3.11 What happens if you test positive, refuse a test, or violate an Authority-specific drug and alcohol rule?**

- (a) If you test positive, refuse a test, or violate the Authority's drug & alcohol rules:
- (1) The Secretary of the Authority or the HR Director is required to immediately remove you from any safety-sensitive functions.
  - (2) You will not be permitted to return to performing any safety-sensitive duties until you have:
    - Undergone an evaluation by SAP provider;
    - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
    - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol.
  - (3) Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

### **3.12 Will you lose your job if you violate these drug and alcohol rules?**

Under federal and state regulations, the main requirement for employers is to immediately remove employees from performing safety-sensitive jobs. Be aware that a positive or refused drug or alcohol test will trigger additional consequences based on this Policy and the terms and conditions of the respective collective bargaining agreement for union employees.

#### **(a) *Consequences of a Positive Alcohol Test:***

- (1) Subject to the appropriate provisions of any collective bargaining agreement, an employee who tests positive for



alcohol concentrations of 0.02 or higher is subject to discipline, up to and including discharge.

- (2) If an employee is required to comply with breath testing because of a law enforcement investigation, the employee must submit to the examination. The test will be considered enforceable for purposes of this Policy.

**(b) *Consequences of a Positive Drug Test:***

- (1) Subject to the appropriate provisions of any collective bargaining agreement, an employee who tests positive for drugs is subject to discipline, up to and including discharge.
- (c) While you may not lose your job for testing positive on an alcohol or drug test, you may lose your certification or license to perform that job. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any regulated safety-sensitive tasks.

**3.13 Are testing results and medical information kept confidential?**

- (a) Your test results are confidential and will be maintained in individual files separate from the employee's personnel folder.
- (b) The Authority and any service agent (e.g., testing laboratory, MRO, or SAP) is not permitted to disclose your test results to outside parties without your written consent.
- (c) But your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive test or refusal.
- (d) When the information is released, the Authority must notify you in writing of any information they released.

**3.14 Will the results follow you to subsequent employers?**

- (a) Yes, your drug & alcohol testing history will follow you to your new employer if that employer is subject to state and federal safety regulations.

(b) Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

### **3.15 What should you do if you have a drug or alcohol problem?**

Seek help. Jobs performed by safety-sensitive employees are vital to the fulfillment of the Authority's mission. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public.

The Authority has in place an Employee Assistance Program to assist employees and family members with substance abuse.

### **3.16 Did you know?**

Did you know that 6 out of 10 people suffering from substance abuse problems also suffer from mental conditions like depression?<sup>4</sup> Research has long documented that people suffering from depression try to self-medicate themselves through alcohol and other drugs. Typically, many of these individuals fail to remain clean and sober after rehabilitation because their under-lying medical problem is not addressed and the cycle of self-medication begins again.

**NOTE:** If you have substance abuse issues, there is a 60% chance that you are also suffering from an underlying mental condition like depression.

Increase your chances of rehabilitation. Be sure to ask your doctor or other mental health professionals about depression as it relates to substance abuse issues.

---

<sup>4</sup> *The Dual Challenge of Substance Abuse and Mental Disorders*, NIDA Director Nora D. Volkow, M.D., NIDA Notes, Vol. 18, No. 5.

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

**Re: SMOKING**

**Policy No. 80**

-----  
**Application: All Employees**

**Amended: 10/20/2022<sup>1</sup>**  
**09/20/2023**

## **PURPOSE**

To comply with New York State Public Health Law, Article 13-E, and provide Erie County Water Authority employees with a smoke-free workplace.

## **POLICY**

It is the policy of the Authority to comply with all laws and regulations applicable to smoking in the workplace and to assure a healthy and smoke-free environment for employees and visitors.

## **PROCEDURE**

### **Section 1 Definitions.**

- (a) “Smoking” is defined by State law as the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or cannabis as defined in Section 222.0 of the Penal Law, or cannabinoid hemp as defined in section three of the cannabis law.
- (b) “Vaping” means the use of an electronic cigarette.
- (c) “Electronic Cigarette” or “e-cigarette” means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge, and any other component of such a device.

---

<sup>1</sup> This Smoking Policy replaces H.R. Policy 80.0 (Smoking).

## **Section 2 General Rules.**

Consistent with the Authority's responsibilities under the New York State Public Health Law Section 13-E, and the Authority's goal of creating a healthy and comfortable environment for all employees and visitors:

- 2.1 Prohibition.** Smoking, including cigarettes, cigars, pipe tobacco, cannabis, and use of electronic cigarettes is always prohibited in all Authority facilities, which includes but is not limited to work areas, private offices, lavatories, conference rooms, employee cafeterias, hallways, rooms, or areas containing photocopying equipment or other equipment used in common, and all Authority vehicles, including official vehicles personally assigned.
- 2.2 Enforcement.** It is the responsibility of each Supervisor, Unit Head and Department Head to ensure that this policy is enforced without exception.
- 2.3 Discipline.** Employees who fail to comply with the above will be subject to discipline.

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

<b>Re: SOLICITATION/DISTRIBUTION</b>	<b>Policy No. 81</b>
--------------------------------------	----------------------

<b>Application: All Employees</b>	<b>Amended: 10/20/2022<sup>1</sup></b> <b>09/20/2023</b>
-----------------------------------	---

**PURPOSE**

To prevent disruption in the operation of the Authority, interference with work, and inconvenience to employees.

**POLICY**

**Section 1** It is the policy of the Authority to prohibit\*:

- (a) Solicitation for any cause or purpose at any time during the workday when either the employee doing the solicitation, or the employee being solicited is or should be engaged in the performance of his/her tasks.
- (b) Distribution of literature of any kind at any time during the workday when either the distributing employee or the employee receiving the literature is or should be engaged in the performance of his/her tasks.
- (c) Solicitation and/or distribution of literature by non-employees on company premises.

\*Exceptions to the foregoing are various Authority recognized charitable campaigns, which will be planned and executed by the Authority.

---

<sup>1</sup> This Solicitation/Distribution Policy restates and replaces H.R. Policy 81.0 (Solicitation/Distribution).

# ERIE COUNTY WATER AUTHORITY

## HR Policies/Procedures

**Re: INCIDENT MANAGEMENT &  
ROOT CAUSE ANALYSIS**

**Policy No. 83**

-----  
**Application: All Employees**

**Adopted: 10/20/2022**

**Amended: 09/20/2023**

## PURPOSE

To establish procedures of performing a thorough examination of an incident and identify the cause of any critical incident or recurring issue that impacts the supply, distribution or quality of water provided to our customers. The procedures in this Policy will focus on finding a corrective solution to a problem to prevent the incident from occurring again thereby reducing interruptions in the production and distribution of water.

## POLICY

It is the policy of the Erie County Water Authority (ECWA) to perform a Root Cause Analysis (RCA) to uncover the root cause and contributing factors of critical incidents.

## PROCEDURE

To protect and promote the health and safety of its employees and the public it serves, the Authority requires an incident report for “events” that might occur at the Authority, and a determination of reportable events that may benefit from a Root Cause Analysis for the purposes of determining causation, corrective action, and analysis for future prevention.

### **Section 1 Reportable Events.**

A reportable event will include, but not be limited to, the following:

- (a) any violation of a NYSDEC or ECHD (NYSDOH) permit;

- (b) any perceived or actual threat to the health and safety of employees or the public;
- (c) any perceived or actual damage to Authority equipment or property (excluding vehicle damage);
- (d) any perceived or actual damage to other property (personal or other utilities).

## **Section 2 Root Cause Event Determination.**

### **2.1 Reporting of Event.**

- (a) All events shall first be documented via the "Incident Report Form" which shall be prepared by the "on-site" supervisory member of the Division involved with the event.
- (b) The "Incident Report Form" shall be reviewed by the Division Head and forwarded to the ECWA Claims Representative/Risk Manager and the Coordinator of Employee Relations within two (2) business days following the event for the purposes of notification.
- (c) Within 24 hours of receiving the "Incident Report", the Claims Representative/Risk Manager shall make the determination whether an RCA is required.
- (d) All Incident Reports shall be saved electronically in the "Incident Report" sub-folder of the "Root Cause Analysis" folder located in the I Drive.

## **Section 3 Root Cause Analysis Procedure.**

### **3.1 RCA Team Procedure.**

- (a) An RCA team comprised of the Claims Representative/Risk Manager, Coordinator of Employee Relations, the Secretary to the Authority, the Executive Engineer, and the Division Head of the Division involved in the event shall conduct an RCA as follows:
  - (1) Identify and investigate.
  - (2) Research and analyze deficiencies.
  - (3) Verify and assess compliance with established policies.

- (4) Identify policies that may be vulnerable to adverse incidents.
- (5) Recommend policies or procedures designed to prevent similar incidents.
- (6) Recommend operational and organizational changes to ensure best practices and eliminate exposure to liability.
- (7) Prepare an "Event Report Form" which must include the final root cause determination and corrective measures which will be filed electronically in the "Root Cause Analysis" folder located in the I Drive.

### **3.2 RCA Team Responsibility.**

- (a) The Claims Representative/Risk Manager shall be responsible to ensure that the RCA is completed, signed and the "Event Report Form" is filed no later than thirty (30) days from the time of the event.
- (b) The Secretary to the Authority or the Commissioners may extend completion time depending on the complexity of the analysis and investigation.
- (c) All Division Heads and staff shall be obligated to promptly cooperate and provide the Claims Representative/Risk Manager and the RCA Team with accurate information to facilitate timely completion of an RCA determination and recommendation.
- (d) The Division Head of the division where an RCA event occurred shall be responsible for ensuring that the corrective measures recommended in the RCA report are implemented within ninety (90) days of the root cause determination.
- (e) The Division Head of the division where an RCA event occurred shall report to the Board the corrective measure(s) so implemented.



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

<b>Re: SAFETY IN THE WORKPLACE</b>	<b>Policy No. 84</b>
------------------------------------	----------------------

-----	
<b>Application: All Employees</b>	<b>Amended: 10/20/2022<sup>1</sup></b> <b>09/20/2023</b>

**PURPOSE**

To provide each employee of the Authority a place of employment that is free from safety and health hazards.

**POLICY**

The Erie County Water Authority is committed to creating a safe, healthy, and hazard-free workplace. To accomplish this, it is expected that all employees will comply with applicable occupational health and safety requirements whether established by the Authority or by Federal or State law and will take all steps necessary to affect the realization of this policy and its goals. The development of a safe working environment will promote employee welfare and morale, improve efficiency, and contribute to fulfilling the Authority’s obligation to its customers.

**PROCEDURE**

**Section 1 Supervisor Responsibility.**

**1.1 Supervisor Obligations.**

- (a) Each supervisor shall be constantly alert to protect the safety and health of his/her employees. The supervisor’s responsibilities under this policy include inspection of the work area under his/her control, familiarity with all safety and health procedures, and training of employees in matters of health and safety.

---

<sup>1</sup> This Safety in the Workplace Policy replaces H.R. Policy 84.0 (Safety and Health).

- (b) Supervisors must fill out an investigation report form within twenty-four (24) hours after an injury, accident or hazardous incident occurrence and forward it to the Human Resources Department.

## **Section 2 Employee Responsibility.**

### **2.1 Employee Obligations.**

- (a) All accidents resulting in injuries to employees or visitors must be reported immediately to the department supervisor or a duly authorized representative.
- (b) If you witness a workplace accident or incident, please notify your supervisor immediately.
- (c) If you witness a hazardous situation, please notify your supervisor and the Authority's Security Officer immediately.
- (d) The Security Officer will assist you in the preparation of a motor vehicle accident report and will be responsible for investigation of the motor vehicle accident and when warranted coordinate efforts with the Department of Human Resources.

## **Section 3 Personal Protective Equipment.**

### **3.1 Employee Obligations.**

- (a) All employees must wear personal protective equipment, such as safety glasses and hearing protection, required by the New York State Department of Labor, Public Employees Safety & Health Bureau (PESH) regulations or Authority policy.
- (b) No employee will be permitted to work unless equipped with the proper safety equipment.
- (c) All personal protective equipment provided by the Authority shall remain the property of the Authority and shall be considered for all purposes to be on loan to the employee.

- (d) A record shall be kept of all non-disposable personal protective equipment issued to each employee. This record will be kept in the Stores Department.
- (e) The Authority will replace worn out, damaged, or broken personal protective equipment provided the worn out, damaged or broken personal protective equipment is returned to exchange.
- (f) Whenever an employee is terminated or permanently laid off, he/she must return any personal protective equipment in his/her care to his/her supervisor.
- (g) No employee shall be discharged or discriminated against in any manner because the employee has instituted a proceeding with PESH, has testified in such a proceeding or has otherwise exercised any right afforded by PESH.

## **Section 4 Toxic Substances.**

### **4.1 Potential Exposure.**

- (a) **Right To Know Law.** The New York State “Right to Know Law” is provision of Article 28 of the New York State Labor Law which guarantees employees the right to information, training, and education regarding toxic substances in the workplace. The Chief Operating Officer and General Counsel in coordination with the Coordinator of Employee Relations and/or Safety Consultant are responsible for ensuring compliance.
- (b) **Safety Data Sheets.** Employees may request to see the Safety Data Sheet whether it be Material Safety Data Sheet (MSDS), or Global Harmonized System (GHS) as prescribed by law on any of the substances that he/she may be exposed to. The MSDS or Safety Data Sheet (SDS) will show hazard potential, proper personal protective equipment (PPE) to be worn and what to do if exposed to the substance.

## **Section 5 Emergency Procedures.**

### **5.1 Evacuation Procedures.**

- (a) Each Authority building and/or facility has established evacuation procedures and a designated meeting place.
- (b) Designated Authority departmental safety officers shall ensure employees are evacuated and directed to the established evacuation area.
- (c) All employees other than those deemed necessary to continue operations are required to participate in building evacuation drills.

### **5.2 Fire Emergency Measures.**

- (a) If fire or smoke is discovered, the following procedures should be followed:
  - (1) call 911;
  - (2) activate building alarms;
  - (3) notify the Security Officer; and
  - (4) calmly proceed to the designated meeting area.

### **5.3 Fire Drill and Safety.**

- (a) To reinforce fire safety and evacuation plans, fire drills are conducted regularly in each Authority building and/or facility.
- (b) It is mandatory that you participate in all fire drill activities.
- (c) Employees need to familiarize themselves with the location of all emergency exits, fire extinguishers, and fire alarm boxes in their building.
- (d) All employees other than those deemed necessary to continue operations are required to participate in building fire drills.

#### **5.4 Bomb Threats.**

- (a) In the event you see an unaccompanied or suspicious package, letter, or envelope, contact your supervisor and the Security Officer immediately.
- (b) Secure and clear the area around any unaccompanied or suspicious package delivered or left at the Authority premises.
- (c) Never approach a suspicious package.
- (d) Calmly evacuate the area and take cover, as directed by the Security Officer or other Authority personnel.
- (e) If you receive a bomb threat via phone:
- (f) Remain calm, listen, and try to record as much detailed information as possible.
- (g) If possible, notify your supervisor while the caller is on the line.
- (h) When instructed, calmly evacuate the area, and take cover.

**5.5 Medical Emergencies.** In the event of a medical emergency, notify your supervisor and/or call 911 for assistance.

### **Section 6 Dress Code.**

#### **6.1 In General.**

- (a) Employee apparel must be consistent with reasonable standards of office attire, cleanliness, safety, and decency.
- (b) Uniforms are supplied to employees who are required to wear them.
- (c) Dress also should be appropriate for the type of work employees are assigned to perform taking into consideration such factors as office decorum, public visibility, and sensitivities of fellow employees.
- (d) Maintenance Department employees are required to wear steel-toed safety boots, gloves, hard hats, and safety glasses

(of the appropriate prescription should the employee require prescription glasses).

- (e) Employees at the water treatment plants must wear approved safety uniforms with the proper personal protective equipment (PPPE).
- (f) Meter shop employees are also required to wear uniform shirts identifying them as an ECWA employee.
- (g) All employees who are required to wear specific apparel, safety glasses or PPPE are subject to inspection by supervisors and other superiors.
- (h) Employees required to wear safety glasses, or PPPE or require prescription safety goggles or tools should review their Collective Bargaining Agreements for any annual allowances that may be available to them.

## **Section 7 Training.**

In consultation with the Department of Human Resources and/or his or her designee and the Division Heads, the Authority will arrange and coordinate training seminars on workplace safety, workplace violence, and/or vehicle operation.

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

<b>Re: STANDARDS, EXPECTATIONS, AND COMMUNICATION IN THE WORKPLACE</b>	<b>Policy No. 85</b>
--	----------------------

---

**Application:** All Employees

**Amended:** 01/10/2019  
10/20/2022<sup>1</sup>  
09/20/2023

## **PURPOSE**

To set forth the standards and expectations of the Authority and of its employees comprising the employment relationship in the workplace.

## **POLICY**

It is the policy of the Authority to communicate to all employees the fundamental principles, mutual rights and obligations comprising the employment relationship and to assure the rights and safety of all employees while maintaining the orderly operation of the Authority.

## **PROCEDURE**

### **Section 1 Expectations of the Authority.**

**1.1 Implementation.** In a continuing effort to implement fair and effective human resources policies and practices, the Authority intends:

- (a) To ensure equal employment opportunity for all employees without regard to race, color, creed, gender, age, sexual orientation, gender identity, transgender status, national origin, ancestry, marital status, disability, familial status, pregnancy,

---

<sup>1</sup> This Standards, Expectations, and Communication in the Workplace replaced H.R. Policy Nos. 73.0 (Principles of Employees Relations), 77.0 (Discipline), 85.0 (Rules and Regulations), and 86.0 (Bulletin Boards).

domestic violence victim status, military status, predisposing genetic characteristics, or any other characteristic protected under state, federal, or local law, including in certain circumstances, prior criminal history;

- (b) To establish reasonable hours of work;
- (c) To maintain safe and healthful working conditions;
- (d) To treat all employees with respect and dignity;
- (e) To provide systematic training for those whose needs, capabilities and desires warrant such training;
- (f) All managers and supervisors are to ensure all personnel decisions, relating to hiring, promotion, work assignment, employment status, compensation, benefits, and other employment related matters, will be made in accordance with the principles of equal protection.
- (g) The Authority will not tolerate any form of discrimination and has adopted formal and informal procedures to investigate and address claims of discriminatory treatment.

## **Section 2 Expectations of the Employee.**

### **2.1 Attendance and Punctuality of Employee.**

- (a) The Authority depends on its employees to be present and on time at the start of their scheduled workday.
- (b) Reporting to work means that you are ready to begin work, not just arriving at work, at your scheduled starting time.
- (c) If you will be late or unable to report to work, you must notify your supervisor.
- (d) In general, absences from work must be approved in advance by your supervisor and must be accounted for in accordance with the time and leave rules and procedures.
- (e) Lateness may be charged against your annual leave on a minute-for-minute basis. You may not charge sick leave accruals for lateness. Nor may you work through your meal period to “make up” for lateness.



## **2.2 Acts Prohibited by Employee.**

Conduct that is offensive to customers, visitors, or co-workers, or that interferes with operations or brings discredit to the Authority will not be tolerated.

(a) Prohibited Acts. The following acts, which are not all inclusive, are prohibited in the workplace:

- (1) Insubordinate conduct or refusing to follow supervisor instructions.
- (2) Reporting for or remaining at work in an unfit physical condition.
- (3) Immoral conduct, indecency, or harassment.
- (4) Removing property, records, equipment, or other materials owned by the Authority, vendor, contractor, customer, a co-worker, or other third-party from any premises without proper authorization.
- (5) Falsifying any reports or records including, but not limited to, time and attendance, employment, personnel, and production records.
- (6) Abusing, misusing, or destroying Authority, customer or co-worker property, tools, equipment, or records.
- (7) Restricting or interrupting production or interfering with the work of co-workers.
- (8) Neglecting to perform job duties or responsibilities.
- (9) Absenteeism as defined by the Absentee Control Programs.
- (10) Fighting, provoking a fight, or engaging in horseplay.
- (11) Threats or threatening actions directed toward co-workers, supervisors, or customers.

- (12) Bringing firearms, explosives, or weapons of any kind onto Authority premises except for any employee holding the position of “Security Officer (ECWA).”
- (a) Any employee in the position of Security Officer (ECWA) will be permitted to carry an on-duty firearm of a type and caliber, and for the purpose of which they have been duly licensed pursuant to §400 of the Penal Law of the State of New York.
  - (b) The Security Officer (ECWA) shall always carry a valid pistol permit while on-duty, and keep a current, legible photocopy on file with the Secretary to the Authority.
- (13) The consumption of alcoholic beverages or the unlawful sale, distribution, possession, or consumption of controlled substances, while on Authority premises, in Authority vehicles or while engaged in Authority business.
- (14) Smoking or vaping, except in areas expressly designated for that purpose.
- (15) Entering facilities/offices or remaining on premises without proper authorization.
- (16) Gambling.
- (17) Violating safety rules, practices or participating in any conduct that may create a safety hazard.
- (18) Falsely stating or making claims of injury or neglecting to properly report any injury or accident immediately.
- (19) Using profane or abusive language.
- (20) Unlawful or improper conduct off the premises or during non-working hours that affects the employee’s relationship to his/her co-workers or supervisors or that impairs his/her ability to perform the job or that would harm the property, reputation, or goodwill of the Authority in the community.
- (21) Misuse of two-way radio system.

### **Section 3 Discipline and Dismissal.**

- (a) If an employee's conduct or performance fails to meet acceptable standards, he or she may be subject to disciplinary action, including termination.
- (b) Certain employees may not be terminated from their job without the benefit of due process disciplinary procedures contained in the applicable collective bargaining agreement, or the provisions of Section 75 of the Civil Service Law.
- (c) The foregoing rules are not intended to be all inclusive of the required discipline, proper standards of conduct, or obligations of employees as established by other Authority policies.

### **Section 4 Communications.**

#### **4.1 Bulletin Board.**

- (a) Employees will find a Bulletin Board maintained at the place he or she reports to work for the posting of official ECWA notices.
- (b) On or near the Bulletin Board, there will be governmental mandated work-related posters and notices, as well as union notices.
- (c) Anyone wishing to post materials on or near the Bulletin Board should contact the Human Resources Department for its approval.

**4.2 Additional Means of Communication.** The Authority may also communicate valuable information to its employees through email, via regular U.S. mail, flyers inserted with paychecks, or any other communication means available.

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

<b>Re: SECURITY IN THE WORKPLACE</b>	<b>Policy No. 87</b>
--------------------------------------	----------------------

<b>Application: All Employees</b>	<b>Amended: 10/20/2022<sup>1</sup> 09/20/2023</b>
-----------------------------------	---

## **PURPOSE**

The Authority operates a federally designated critical infrastructure whose assets, systems, and networks, whether physical or virtual, are so vital that their incapacity or destruction would have a debilitating impact on the physical or economic security, and the public health and safety to our community and customers. Without its valuable employees, the Authority would be unable to carry out its mission of providing our community and our customers with a plentiful supply of safe, clean, affordable drinking water through a reliable infrastructure. To safeguard both our employees and our critical infrastructure, the Authority has established certain procedures.

## **POLICY**

It is the Authority’s policy to take all reasonable steps appropriate to always protect its critical infrastructure while ensuring a secure work environment for its employees.

## **PROCEDURE**

### **Section 1 Security Systems.**

**1.1 Devices.** The Authority has installed security door readers, surveillance cameras, and global positioning systems (AVL), among other devices to increase security and protect its facilities and employees.

(a) Key Control

---

<sup>1</sup> This Security in the Workplace Policy replaces H.R. Policy No. 87.0 (Security Systems) and H.R. Policy No. 7.0 (Identification Cards)

- (1) If you are issued access keys, it is your responsibility to safeguard the keys.
- (2) You should never make copies of keys or give your keys to any unauthorized employee or person.
- (3) Never mark or make any ECWA key readily identifiable as ECWA property.
- (4) Immediately report lost or stolen keys to your supervisor, or the ECWA Security Officer.
- (5) The keys remain the Authority's property.
- (6) Upon separation from service, the employee must return the keys to either a supervisor or the Human Resources Department.
- (7) No final payroll check will be issued to the employee unless the keys are surrendered at the time of separation.

(b) ID Cards

- (1) Upon hire, all employees are issued an official identification card.
- (2) The photo identification card will allow the employee electronic access to certain Authority workplaces.
- (3) ECWA employees are required to keep their official photo identification cards on their person while at work.
- (4) Identification cards should not be left unsecured or in a place where they can be stolen. ECWA employees may not give, lend, or otherwise allow the identification card to be used by an unauthorized individual.
- (5) If a card is lost or stolen, please contact the Security Officer or the Human Resource Department immediately.
- (6) Employees are responsible for safeguarding their identification card.
- (7) Employees will not be charged for replacing a defective card or one (1) lost card. Employees will be charged a \$10.00 replacement fee for the replacement of each additional replacement card beyond the first card.

(8) The Authority, in its discretion, may deactivate cards for employees who are on extended leaves of absence or who will otherwise be out of the office for an extended period.

(9) The ID card remains the Authority's property.

(10) Upon separation from service, the employee must return the identification card to either a supervisor or the Human Resources Department.

(11) No final payroll check will be issued to the employee unless the photo identification card is surrendered at the time of separation.

## **Section 4 Compliance with Security Systems Operation.**

**4.1 Compliance.** To produce the desired outcome of increased security and efficiency and to allow the systems to operate as intended, employees are required to always comply with the operating requirements of the security system(s).

### **4.2 Failure to Comply.**

(a) It is unlawful for anyone to interfere, disable, misuse, abuse, or tamper with the operation and function of any installed security device.

(b) Any employee who unlawfully interferes, disables, destroys, misuses, abuses, or tampers with the operation and function of any installed security device will be subject to discipline including suspension or dismissal and may be subject to criminal charges.

## **Section 5 Disclosure of Confidential Information.**

Authority employees who knowingly disclose or distribute confidential information or allow any unauthorized individual on ECWA property or access to ECWA records, vehicles, or equipment shall be subject to disciplinary action, including suspension or dismissal.

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

**Re: COMPUTER, INTERNET, INTRANET, Policy No. 89  
EMAIL & OTHER  
COMMUNICATION DEVICES**

---

<b>Application:</b> All Individuals Having Access to the Authority's Communication Systems	<b>Amended:</b> 12/02/2010 01/26/2012 10/22/2022 <sup>1</sup> 09/20/2023
--	---

**PURPOSE**

The Authority provides computer and Internet access for business transactions, electronic business data transfer, electronic commerce, electronic mail, web transaction account services and procurement.

Internet usage, electronic commerce and email refers to the electronic transfer of information typically in the form of electronic messages, memoranda and attached documents from a sending party to one or more receiving parties. The term email can refer to an electronic mail *service* or an electronic mail *message*. Well-designed and effectively managed electronic data transmission systems expedite business communications, reduce paperwork, and automate routine office tasks thereby increasing productivity and reducing costs. These opportunities are, however, at risk if electronic data systems are not used and managed effectively.

**POLICY**

The Erie County Water Authority has adopted this Policy to advise and to guide all ECWA employees, contractors, interns, or other individuals having access to the Authority's electronic communication systems of their responsibilities in using and

---

<sup>1</sup> This Computer, Internet, Intranet, Email & Other Electronic Communication Devices Policy readopts, consolidates, and replaces H.R. Policy Nos. 82.0 (Personal Use of Telephone, Fax, and Mail Privileges), and 89.0 (Computer, Internet, Electronic Commerce and Email Policy).

managing information in the Authority's computer system or communicated through Authority email, electronic commerce, or electronic data systems.

It is the policy of the Authority that its employees use computers, computer applications, computer programs, Internet resources and network/Internet communications and other communication devices in a responsible, professional, ethical, and lawful manner.

## **PROCEDURE**

### **Section 1 Internet/Intranet and Email Access.**

Internet/Intranet and email access is a service provided by the Authority that enables participating departments, units, and individual employees to send and receive messages and utilize related utilities in the performance of their job duties.

**1.1 Establishing an ECWA Email Account.** To request email services, an Information Technology Service Request Form must be approved by your Department Head and submitted to the Director of Cybersecurity and Information Technology.

#### **1.2 Prohibited Activities.**

- (a) The Authority's policies prohibiting harassment apply to the use of the Authority's email, communication, and computer systems. No one may use any email, communication, or computer systems in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs, or any other characteristic protected by federal, state, or local law.
- (b) Since the Authority's email, communication, and computer systems are intended for business use, the mail and these systems may not be used to solicit for religious or political causes or outside organizations.
- (c) Unauthorized duplication of copyrighted computer software and computer files and documents violates the law and is prohibited.
- (d) No Employee may access, or attempt to obtain access to, another Employee's email or computer systems without appropriate authorization.



- (e) Anyone found to be in violation of these prohibitions will be subject to disciplinary action, up to and including discharge.

### **1.3 No Expectation of Privacy.**

- (a) All emails and voice messages stored on ECWA equipment or devices are deemed to be the property of the Authority.
- (b) Stored email messages are neither personal nor private. Technical staff will not routinely monitor email but will monitor or copy stored emails when appropriate for business reasons.
- (c) The Secretary to the Authority, or an individual designated by the Authority, may access voicemail, email, wireless communication devices, and any other accounts where it is deemed appropriate for business reasons.
- (d) No one with an ECWA email or voicemail account may have an expectation of privacy regarding any information stored in the Authority's computer, communication, or email systems.

## **Section 2 Guidelines for Use of Authority's Email System.**

**2.1 Email (electronic mail)** is used in the normal course of Authority business for general business communication as well as sharing of files. While immediate and sometimes informal, electronic mail may, under certain circumstances, serve as a record of a decision or other official action. It is important to recognize that an email message, created or received by Authority personnel in connection with official business is a record that is subject to access, privacy, and records management laws and regulations.

- (a) Email should be used for business purposes only and should not be of a confidential or personal nature.
- (b) Email messages sent or received on the Authority's computer and communication systems:
  - (1) may be accessed and monitored in the normal course of business by system administrators, supervisors, and support staff;

- (2) may be releasable to the public under the Freedom of Information Law (FOIL);
- (3) may require special measures for privacy protection to comply with the Personal Privacy Protection Law (PPPL); and
- (4) may be subject to discovery proceedings in legal actions;
- (5) employees are responsible for monitoring their own email account and related emails. If an extended absence or similar situation occurs, it is the responsibility of each employee to temporarily redirect email messages or allow a third person to receive that individual's emails.

**2.2 Format of Email.** Employees sending email will include their name and title at the end of the message. If the message concerns a project, the project number (or equivalent) shall be included on the subject line. For messages that transmit a draft attachment, the message shall reference the document's project number (or equivalent) and the word draft in the subject field.

**2.3 Email Records Management.** Email messages and electronic data transfers are records when they are created or received by the Authority in the normal course of official business and should be preserved, or are appropriate for preservation, as evidence of the organization's actions, official policies, decisions, procedures, transactions, functions, operations, or other activities of the Authority or because of the informational content. Emails meeting these criteria are subject to records management requirements.

- (a) Examples of messages sent by email that typically *are records* include:
  - policies and directives
  - correspondence or memoranda related to official business
  - work schedules and assignments
  - agendas and minutes of meetings

- drafts of documents that are circulated for comment or approval
  - any document that initiates, authorizes, or completes a business transaction
  - all purchasing and procurement communications
  - final reports or recommendations.
- (b) Examples of messages that typically *do not* constitute records are:
- personal messages and announcements
  - copies of extracts of documents distributed for convenience or reference
  - phone message slips
  - announcements of social events.

**2.4 Email as a Transient Record.** Messages which are used to support business purposes should, therefore, be stored in one or more of the following ways:

- (a) Moved to a designated, named electronic drive (i.e., I-Drive, main folder, subject sub-folder, or project sub-folder).
- (b) Saved as a file and placed in an appropriate directory.
- (c) Printed and then given to Records Management personnel for filing in the proper folder.

**2.5 Email Retention.**

- (a) Records needed to support program functions should be retained, managed, and accessible in existing filing systems outside the email system.
- (b) System capacity requires periodic deletion of old messages and user queued items. Users are encouraged to delete messages and queued items daily.

- (c) Before deleting any email message, however, determine whether it meets the legal definition of a record.
- (d) If the email message is a record, print it or transfer it to other files before deleting from the computer. Be certain the printed message contains time essential transmission and any requested receipt data. If not, print the data or annotate the printed copy. File the printed message and essential transmission and receipt data with related files of the office.
- (e) Records communicated using email need to be identified, managed, protected, and retained if they are needed to meet operational, legal, audit, research, or other requirements.
- (f) Disposition of these records will be in accordance with the Authority's Records Retention Schedules. Records may not be destroyed without a Records Disposition Authorization approved by the State Archives and Records Administration.

## **2.6 Security.**

- (a) The Authority reserves the right to monitor the system for maintenance, repair, help functions, troubleshooting, suspected abuses of email privileges, and other legitimate business reasons. While the communications are protected by passwords, they are not secure and, in appropriate circumstances, there may be administrative access to these records. Keep this in mind when choosing topics for email communications.
- (b) All access to an employee's email will be denied upon termination of his/her employment and the email account will be canceled. The Director of Cybersecurity & Information Technology or designee will oversee the distribution of existing email in a closed account to appropriate electronic or paper folders.
- (c) Users must take all reasonable precautions, including changing passwords, to prevent use of your account by unauthorized individuals. Passwords, and the ability to frequently change passwords, can facilitate email security.

Forgotten passwords can be reset to a new temporary password by calling the Help Desk at Ext. 8211 (685-8211).

- (d) Access to an employee's individual computer, laptop, or tablet will be administered by the IT Department.
- (e) The Authority will require that all Authority personal computers be protected with passwords that prevent their use by unauthorized users. However, employees should take notice that the use of a password or passcode by an employee does **NOT** ensure privacy, and any record may be accessed by an individual designated by the Authority.

## **2.7 Personal Use of Email or Electronic Communications.**

- (a) Rules for personal use of email or other electronic communications are the same as for personal use of the telephone. Only incidental personal communications by fax or email to family or friends sent on personal time (break, lunch, etc.) are acceptable.

## **2.8 Prohibited Uses of Email or Computers.** The following uses of Authority computer facilities are prohibited:

- access to or use of obscene or potentially harassing graphics, documents, or web sites
- documents or email relating to personnel, time and attendance or union business
- personal business (a profession, banking, purchasing, stock market transactions, etc.)
- consumption of Authority resources
- personal charges to the Authority using Authority email capabilities
- unauthorized access to email accounts
- use for private or personal business, other than incidental use

- unauthorized or unnecessary connections to outside networks
- illegal, disruptive, unethical, or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interest of the Authority.

### **Section 3 Guidelines for Access to the Internet/Intranet.**

**3.1 General Guidelines.** Access to the Internet is provided to employees when there is a necessity, and the access has been specifically approved.

- (a) The Authority has provided access to the Internet for authorized users to support the business purposes of the Authority. No use of the Internet should conflict with the primary business purpose of the Authority or with applicable laws and regulations. As a condition of continued employment, each user is personally responsible to ensure that these guidelines are followed.
- (b) The Authority may monitor usage of the Internet by employees, including reviewing a list of sites accessed by an individual. No individual can have any expectation of privacy with respect to his or her usage of the Internet on the Authority's system. In addition, the Authority may restrict access to certain sites that it deems are not necessary for business purposes.
- (c) Employees are prohibited from encrypting files on their computers or taking any steps that block access to files, other than the use of the Authority's passwords or approved encryption programs.
- (d) Employees must not change their logon codes. Employees may never change the default settings in the devices "internet options" (i.e., how long history and temporary files are stored, internet's security settings, etc.). The deletion of the device's history, temporary files or internet downloads is also prohibited.

- (e) The Internet provides access to many sites that charge a subscription or usage fee to access and use the information on the site. If costs are appropriately incurred on behalf of the Authority, the user may submit the charges for reimbursement on expense reports, subject to customary review. All items that are charged to the Authority are subject to the same approval process as other business-related expenses. Requests for approval should be submitted accordingly.

**3.2 Prohibited Internet Activities.** The Authority's connection to the Internet may not be used for any of the following activities:

- (a) The Internet must not be used to access, create, transmit, print, or download material that is derogatory, defamatory, obscene, or offensive, such as slurs, epithets, or anything that may be construed as harassment or disparagement based on race, color, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.
- (b) The Internet must not be used to access, send, receive, or solicit sexually oriented messages or images.
- (c) Downloading or disseminating of copyrighted material that is available on the Internet is an infringement of copyright law. Permission to copy the material must be obtained from the publisher. For assistance with copyrighted material, contact the Information Technology Department.
- (d) The downloading or posting of any copyrighted material from any source to the Authority's network is an infringement of copyright law. Permission to copy the material must be obtained from the publisher.
- (e) Without prior approval of the Information Technology Department, software should not be downloaded from the Internet as the download could introduce a computer virus onto the Authority's network. In addition, copyright laws may cover the software so the downloading could be an infringement of copyright law.
- (f) Employees should safeguard against using the Internet to transmit personal comments or statements through email or

to post information to news groups or Usenet that may be mistaken as the position of the Authority.

- (g) Employees shall guard against the disclosure of confidential information using Internet email, news groups or Usenet.
- (h) The Internet shall not be used to send or participate in chat rooms, chain letters, pyramid schemes or other illegal schemes.
- (i) The Internet should not be used to solicit or proselytize others for commercial purposes, causes, outside organizations, chain messages or other non-job-related purposes.
- (j) If an employee unintentionally or accidentally performs one of these prohibited actions, the employee must report the action immediately to the Director of Cybersecurity & Information Technology or Secretary to the Authority.

### **3.3 Guidelines governing Blogging and On-Line Social Networking.**

- (a) “Social Networking“ includes social network sites that use Internet services to allow individuals to construct a public or semi-public profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system.
- (b) Examples of the types of Internet based social networking sites include blogs, networking sites, photo sharing, video sharing, microblogging, podcasts, as well as comments posted on the sites. Some social networking sites include Facebook, LinkedIn, Twitter, and YouTube. The absence of or lack of explicit reference to a specific site or type of site does not limit the extent of the application of this Policy.



- (c) The Authority respects the right of any employee (on personal time, with personal equipment) to maintain a blog and to utilize social networking sites. However, to protect the Authority's interests and ensure employees focus on their job duties, employees must adhere to the following rules and conditions:
- (1) Employees may not post on a blog or utilize social networking sites during work time or with Authority equipment or property.
  - (2) All rules regarding confidential information apply in full to blogs and social networking sites. Any information that cannot be disclosed through a conversation, a note or an email also cannot be disclosed in a blog or a social networking site.
  - (3) If employees mention the Authority in a blog or social networking site and express a political opinion or an opinion regarding the Authority's actions, the poster/user must specifically note that the opinion expressed is his/her personal opinion and not the Authority's position. This is necessary to preserve the Authority's good will in the marketplace. If the employee identifies their employment with the Authority, they take on the responsibility for representing the Authority in a professional manner from that period forward while still employed by the Authority.
  - (4) Any conduct which under the law is impermissible if expressed in any other form or forum is impermissible if expressed through a blog or social networking site.
  - (5) Some blogs or social networking sites require that users agree to abide by a terms of service (TOS) document. Authority employees are responsible for reading, knowing, and complying with the TOS of the sites they use.
- (d) Further, the Authority encourages all employees to contemplate the speed and way information posted on a blog or social networking site can be relayed and often misunderstood by readers. Thus, subject to the limited restrictions above, while an employee's free time is generally not subject to any restrictions by the Authority, the Authority urges all employees to not post information regarding the Authority or their jobs

which could lead to morale issues in the workplace, or which could detrimentally affect the Authority's business.

## **Section 4 Access to Wireless Communication Devices.**

A Wireless Communication Device is defined as a cellular telephone, smart phone, web enabled handset, a laptop or tablet.

### **4.1 Guidelines for Authority-Owned Devices.**

- (a) The Authority provides Wireless Communication Devices to those individuals who are required to use such devices in furtherance of the Authority's business operation or as part of their normal assignment.
- (b) It is the policy of the Authority that these devices are to be used for business purposes only and that any personal calls are minimal.
- (c) Download of content or applications must be for business purposes only and should have prior approval by the Department Head or Director of Cybersecurity & Information Technology.
- (d) Only ECWA equipment is permitted to access ECWA resources, including VPN access (except for email via personal devices).
- (e) The Department Head and Director of Cybersecurity & Information Technology will approve any new accounts/relationships with online or cloud-based service providers.
- (f) Unauthorized downloads of content and applications are prohibited.
- (g) All employees given a Wireless Communication Device must observe all laws restricting the use of such devices while driving a motorized vehicle be enforced. The Authority prohibits driving and using such devices without the usage of a proper hands-free adapter.

#### **4.2 Procedures for the Assignment of Such Devices.**

- (a) The Director of Administration shall administer the distribution and control of wireless communication devices, except for computers, laptops, or tablets.
- (b) The IT Department shall administer the distribution and control of computers, laptops, or tablets.

#### **4.3 Guidelines for the Use of Personal Devices.**

- (a) Every employee shall be available during working hours to provide unimpeded service to customers and business associates. Accordingly, Authority employees shall not use personal cellular telephones or other personal communication devices during working hours, except in instances of absolute necessity and in accordance with the following rules and conditions:
  - (1) Use of cellular telephones, whether personal or Authority issued, should be limited to those calls that are necessary and should be as brief as possible.
  - (2) This restriction on the use of personal or Authority issued cellular telephones also applies to making unnecessary personal calls to fellow employees.
  - (3) Incoming personal calls for employees are discouraged. Personal cellular telephone calls that must be made to employees during working hours must be limited in nature and duration.
  - (4) Employees, who by virtue of their title or assignment(s), use Authority issued cellular telephones, must use a hands-free model when using a cellular telephone while operating a personal or official motor vehicle on Authority business to comply with New York State Vehicle and Traffic Law and Authority policy.
  - (5) All other employees are prohibited from operating an official ECWA vehicle, or a personal vehicle while on Authority business, while using personal cellular telephones even with a hands-free model. There are no exceptions to this policy, except for the sole purpose of communicating

with an emergency response operator as provided by Section 225-C of the New York State Vehicle & Traffic Law.

- (b) Failure to comply with any of the above provisions of this policy will result in discipline up to and including dismissal from the service of the Erie County Water Authority

## **Section 5 Access to Telephone, Fax, and Mail.**

**5.1 Telephones, fax machines and mail facilities** shall be available during working hours for effective communication with customers and business associates. Accordingly, Authority facilities should not be used for personal telephone calls, personal faxing, or personal mail except in instances of absolute necessity.

**5.2 Monitoring.** The Authority possesses the ability to monitor all incoming and outgoing telephone calls and facsimile transmissions. It further reserves the right to monitor all work-related conversations for quality assurance purposes. As telephone lines are the most utilized form of contact between the Authority and its customers, lines must be free and available whenever possible to effectuate such communication.

### **5.3 Informal Phone Conversations.**

- (a) Informal phone conversations may, under certain circumstances, serve as a record of a decision or other official action. It is therefore extremely important to recognize that recorded telephone conversations created in connection with official Authority business, become a record that is subject to Federal, State and Local access, privacy and records management laws and regulations.
- (b) Certain telephone conversations may be accessed and monitored in the normal course of business by system administrators, supervisors, and/or support. These conversations are releasable to the public under the Freedom of Information Law (FOIL) and may require special measures for privacy protection to comply with the Personal Privacy Protection Law (PPPL).
- (c) Recorded conversations may be subject to discovery proceedings in legal actions.

#### **5.4 Rules for Use of Authority Telephones, Fax Machines and Postage Meter.**

- (a) Authority telephones should be used for Authority business purposes only and no expectation of privacy or security is implied or guaranteed.
- (b) Recorded telephone conversations are the property of the Erie County Water Authority and are not personal or private.
- (c) Calls are recordable for quality assurance, training, permanent record, or accountability purposes.
- (d) Authority personnel are to adhere to the following rules and conditions on the use of telephone, fax machines, and postage meters:
  - (1) Use of Authority telephone lines should be confined to business calls. Personal telephone calls should be limited to those which are necessary and should be as brief as possible. This restriction on the use of telephones also applies to making unnecessary personal calls to fellow employees.
  - (2) Incoming personal calls for employees are discouraged. Personal calls that must be made to employees during working hours must be limited in nature, number, and duration.
  - (3) Use of Authority fax machines should be confined to business use. Receipt or transmission of personal fax messages should be discouraged.
  - (4) To avoid adding to the increasing volume of mail, employees should not use the Authority's addresses to receive personal mail.
  - (5) ECWA stationery is not to be used for personal correspondence.

#### **Section 6 Request for Website/Intranet Portal Changes or Updates.**

All requests for changes or updates must be formally submitted by email from the Department Head to the Director of Cybersecurity & Information Technology at the Help Desk.



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

**Re: WORKPLACE VIOLENCE  
PREVENTION POLICY**

**Policy No. 90**

**Application: ALL EMPLOYEES**

**Adopted: 01/26/2012**

**Amended: 10/20/2022<sup>1</sup>**

**09/20/2023**

## **PURPOSE**

The Erie County Water Authority is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our employees and to the public. It is the intent of the Authority to promote the safety and well-being of all people in our workplace.

## **POLICY**

The Authority prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace. Threats, threatening behavior or acts of violence against employees, visitors, guests, or other individuals by anyone on Authority property will be responded to immediately upon notification and appropriate action will be taken.

All employees, as well as contractors, vendors, and customers are responsible for helping to create an environment of mutual respect, following all policies, procedures, and practices, and for assisting in maintaining a safe and secure work environment.

## **OBJECTIVES**

### **Section 1 Definition.**

**1.1 Workplace Violence.** In general, “workplace violence” is defined as any physical assault, threatening behavior or verbal abuse occurring in the work setting.

**1.2 12 NYCRR Part 800.6(d)(11)** defines workplace violence as any physical assault or acts of aggressive behavior occurring where a public employee performs

---

<sup>1</sup> This Workplace Violence Prevention Policy replaces H.R. Policy No. 90.0 (Workplace Violence).

any work-related duty in the course of his or her employment including but not limited to:

- An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- Any intentional display of force which could give an employee reason to fear or expect bodily harm;
- Intentional and wrongful physical contact with a person without his or her consent that entails some injury; and
- Stalking an employee with the intent of causing fear or material harm to the physical safety and health of such employee when such stalking has arisen through and in the course of employment.

**Section 2 Controlling Law.** This policy is designed to meet the requirements consistent with the provisions of New York Labor Law § 27-b and 12 NYCRR Part 800.6.

**2.1 Workplace Evaluation.** Authorized Authority representatives in consultation with the Director of Human Resources and/or his or her designee will, at a minimum, be involved in :

- Evaluating the physical environment
- Developing the Workplace Violence Prevention Program;
- Reviewing workplace violence incident reports periodically to identify trends in the types of incidents in the workplace and review the effectiveness of the mitigating actions taken.

**2.2 Workplace Violence Prevention Plan.** Authorized Authority representatives in consultation with the Director of Human Resources and/or his or her designee will develop and maintain a written Workplace Violence Prevention Plan consistent with the provisions in New York Labor Law § 27-b and 12 NYCRR Part 800.6.

**Section 3 Retaliation.** Retaliatory action against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy.



## **Section 4 Notification.**

**4.1** All Authority personnel are responsible for notifying their supervisor, department head, Director of Human Resources and/or the Security Officer of any violent incidents or threatening behavior, including threats they have witnessed, received or have been told that another person has witnessed or received.

**4.2** All incidents of violence or threatening behavior will be responded to immediately upon notification.

**Section 5 Training.** All employees will participate in an annual Workplace Violence Prevention Training Program. All new employees will be trained as part of their new employee orientation.

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

**Re: AMERICANS WITH DISABILITIES      Policy No. 91  
POLICY**

---

<b>Application:</b>	<b>ALL EMPLOYEES</b>	<b>Adopted:</b>	<b>01/26/2012</b>
		<b>Amended:</b>	<b>10/20/2022<sup>1</sup></b>
			<b>09/20/2023</b>

## **POLICY**

The Authority is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate for an otherwise qualified individual to perform the essential functions of the job unless the accommodation would impose an undue hardship on the operation of Authority business.

## **PROCEDURE**

### **Section 1    Need for Accommodation.**

- (a) It is the employee's responsibility to notify the Director of Human Resources, or another individual designated by the Authority's Commissioners of the need for accommodation.
- (b) The employee and/or his or her doctor may then be asked for additional information so that the Authority can evaluate the need and feasibility of an appropriate accommodation.
- (c) Requests for reasonable accommodations and other employee medical issues are treated as confidential by the Authority. This information will only be disclosed or used on a need-to-know basis.

### **Section 2    Prohibition on Retaliation.**

All forms of retaliation against any individual that makes a good faith request for accommodation under this policy is PROHIBITED,

---

<sup>1</sup> This Americans with Disabilities Act Policy replaces H.R. Policy No. 91.0 (Americans with Disabilities Act).

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

**Re: EMPLOYMENT POLICY  
AND PROCEDURES**

**Policy No. 92**

-----  
**Application: All Employees**

**Adopted: 10/04/2012**

**Amended: 03/26/2013**

**02/21/2019**

**08/22/2019**

**10/20/2022<sup>1</sup>**

**09/20/2023**

## **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.

---

<sup>1</sup> This Employment Policy & Procedures revises and replaces H.R. Policy No. 92.0 (Employment Policy and Procedures).

# 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, entitled Employment Policy & 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 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 headhunter, 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.

- (zz) “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 determine the qualifications and duties for all employment positions contingent upon the approval of the Erie County Personnel Department. The compensation for all employment positions is recommended by Authority staff, and subsequently approved by the Board. The Erie County Personnel Department and the New York State Civil Service Commission will determine whether such positions will be classified as exempt, competitive, non-competitive, or labor.

## **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.

### **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 at their discretion. 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 reachable applicants, at their discretion, who affirmatively respond to the canvas letter.
- (3) The Interview Committee will conduct interviews.
- (4) After the interviews have been conducted, the Interview Committee, will select the applicant(s) for employment with the Authority.

- (5) The Office of the Secretary will arrange with the Selected Applicant(s) a background check and a physical examination. If a Selected Applicant(s) passes both the background check and the physical examination, the Office of the Secretary will notify the Selected Applicant(s) and arrange a start date, coordinating it with the Authority's Employee Benefit Specialist. The Office of the Secretary will then send an appointment letter to the Selected Applicant(s).
  - (6) Once the Selected Applicant(s) 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 Authority has completed the selection of applicant(s) for any competitive position and no longer needs to canvas other applicant(s), 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 the necessary documents pursuant to the Erie County Personnel Rules and Regulations.
- (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 employment applications and/or resumes of any individual who submitted a resume for the provisional appointment.
  - (3) After the employment applications and/or resumes have been reviewed, the Interview Committee will decide which applicant(s) should be granted an interview.



- (4) After the interviews have been conducted, the Interview Committee will select the applicant(s) for employment with the Authority.
- (5) The Office of the Secretary will arrange with the Selected Applicant(s) a background check and a physical examination.
- (6) If the Selected Applicant(s) passes both the background check and the physical examination, the Division Head shall notify the Board of his/her intent to offer the Selected Applicant(s) a provisional appointment by sending an Appointment Notice pursuant to the procedure set forth in Section 9 of this policy.
- (7) Unless the Board moves to hold the appointment in abeyance, the Office of the Secretary will notify the Selected Applicant(s) of the appointment and 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.
- (8) The Office of the Secretary will arrange a start date with the Selected Applicant(s), coordinating it with the Authority's Employee Benefit Specialist. The Office of the Secretary will then send a provisional Appointment Letter to the Selected Applicant(s).
- (9) Once the Selected Applicant(s) 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.

(c) Civil Service Exams.

- (1) The Erie County Personnel Department will notify the Authority when an examination will be offered for the competitive position.

**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.

### **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.**

### **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 whether the applicant has the minimum qualifications.
- (c) After the employment applications and/or resumes have been reviewed, the Interview Committee shall decide which applicant(s) should be granted an interview.
- (d) The Interview Committee will conduct interviews.
- (e) After the interviews have been conducted, the Interview Committee, will select the applicant(s) for employment with the Authority.
- (f) The Office of the Secretary will arrange with the Selected Applicant(s) a background check and a physical examination.

- (g) If the Selected Applicant(s) passes both the background check and the physical examination, the Division Head shall notify the Board of his/her intent to offer the Selected Applicant(s) a non-competitive appointment by sending an Appointment Notice pursuant to the procedure set forth in Section 9 of this policy.
- (h) Unless the Board moves to hold the appointment in abeyance, the Office of the Secretary will notify the Selected Applicant(s) of the non-competitive appointment.
- (i) The Office of the Secretary will arrange a start date with the Selected Applicant(s), coordinating it with the Authority's Employee Benefit's Specialist. The Office of the Secretary will then send an Appointment Letter to the Selected Applicant.
- (j) Once the Selected Applicant(s) 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.

#### **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 and the Secretary subject to budget restraints.

#### **4.3 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 non-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 5 Positions Classified as Labor.**

### **5.1 Appointments.**

- (a) When a labor position is vacant, the Secretary and the Division Head shall devise a Recruitment Plan to fill the vacant labor 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 labor position to determine whether the applicant has the minimum qualifications for appointment.
- (c) After the employment applications and/or resumes have been reviewed, the Interview Committee shall decide which applicant(s) should be granted an interview.
- (d) The Interview Committee will conduct interviews.
- (e) After the interviews have been conducted, the Interview Committee, will select the applicant(s) for employment with the Authority.
- (f) The Office of the Secretary will arrange with the Selected Applicant(s) a background check and a physical examination.
- (g) If the Selected Applicant(s) passes both the background check and the physical examination, the Division Head shall notify the Board of his/her intent to offer the Selected Applicant(s) a labor appointment by sending an Appointment Notice pursuant to the procedure set forth in Section 9 of this Policy.
- (h) Unless the Board moves to hold the appointment in abeyance, the Office of the Secretary will notify the Selected Applicant(s) of the labor appointment.
- (i) The Office of the Secretary will arrange a start date with the Selected Applicant(s), coordinating it with the Authority's Employee Benefit's Specialist. The Office of the Secretary will then send an Appointment Letter to the Selected Applicant.

- (j) Once the Selected Applicant(s) 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.

## **5.2 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 and the Secretary subject to budget restraints.

## **5.3 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 non-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 6 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 4 of the Authority's Employees Policies and Procedure Manual.

## **Section 7 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 classified as exempt: Secretary of the Authority, the Attorney (aka General Counsel), the Executive Director (aka Chief Operating Officer), the Chief Financial Officer, Sr. Associate Attorney, Associate Attorney (full-time), Associate Attorney (part-time), Comptroller (full-time), and Executive Engineer.



## **7.1 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) The Interview Committee will review the employment applications and/or resumes of individuals seeking appointment to an exempt position.
- (c) After the employment applications and/or resumes have been reviewed, the Interview Committee shall decide which applicant(s) should be granted an interview.
- (d) The Interview Committee will conduct interviews.
- (e) After the Interviews have been conducted, the Interview Committee will select the applicant(s) for employment with the Authority.
- (f) The Office of the Secretary will arrange with the Selected Applicant(s) a background check and a physical examination.
- (g) If the Selected Applicant(s) passes both the background check and the physical examination, the Interview Committee shall notify the Board of its recommendation.
- (h) Such recommendation should contain the resume of the applicant, the number of individuals applying for the exempt position and the facts sufficient to support the recommendation. Upon request of any Board member, the Secretary may provide copies of resumes of those applicants.
- (i) Unless the Board moves to hold the appointment in abeyance, the Board shall adopt an Appointing Resolution, setting forth the name of the appointee, date of appointment, and the salary grade and step.
- (j) Once the Selected Applicant(s) 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.

## **7.2 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 8 Positions Pending Jurisdictional Classification.**

### **8.1 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 7 of this Policy to fill any vacancy.

### **8.2 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 7.2 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 9 Appointment Notices and Recommendations to the Board for Individuals to Serve a Provisional or Temporary Appointment to a Position Classified as Competitive, Non-Competitive, or Labor, or an Applicant to Serve in a Position Classified as PJC or any other At-Will Position.**

**9.1 Appointments.**

- (a) Pursuant to this Policy, the Division Head shall notify the Board of his/her intent to offer the applicant a position classified as competitive, non-competitive, labor, PJC or any other At-Will position.
  - (1) The Appointment Notice to the Board should contain:
    - (a) the resume of the applicant,
    - (b) a proposed date of appointment, if known, and
    - (c) the starting salary, along with the salary grade and step for the position.
  - (2) The Appointment Notice should be scanned and emailed to 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.
  - (3) When a Board member has requested an executive session, the Secretary will put the executive session on the staff portion of the next regularly scheduled Board Meeting and will state the reason pursuant to Public Officers Law.

## **9.2 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; and
  - (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 (3) 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 put the executive session on the staff portion of the next regularly scheduled Board Meeting and will state the reason pursuant to Public Officers Law.

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

**Re: MEDIA RELATIONS  
PROCEDURES & GUIDELINES**

**Policy No. 93**

**Application: ALL EMPLOYEES**

**Adopted: 08/22/2013**

**Amended: 12/19/2013**

**06/09/2015**

**09/05/2019**

**10/20/2022<sup>1</sup>**

**09/20/2023**

## **PURPOSE**

To establish sound and progressive practices for prompt, transparent, and accurate information about the Authority, its employees, Commissioners, activities, and occurrences in its operation, especially in crisis situations.

## **POLICY**

It is the policy of the Authority that the Secretary to the Authority is the authorized employee having permission to speak to the media and will function as spokesperson for the Authority. The Secretary to the Authority may delegate the responsibility to function as spokesperson when another staff person or a representative from the Authority's public relations firm may be better suited to answer media inquiries and/or more readily available to speak to the media.

## **PROCEDURE**

### **Section 1 Secretary to the Authority as Designated Contact.**

#### **1.1 Release of Public Information.**

- (a) The Authority maintains a central information center and has designated a person to be responsible for the maintenance, coordination, and release of public information.

---

<sup>1</sup> This Media Relations Procedures & Guidelines replaces H.R. Policy No. 93.0 (Media Relations Procedures and Guidelines).

- (b) The Secretary to the Authority is the designated Records Management Officer (RMO) and Freedom of Information Law (FOIL) Officer, and, therefore, to ensure information released to the news media and public is accurate and distributed in a timely manner, the Secretary is responsible for coordinating responses to media inquiries in conjunction with the Commissioners, the Chief Operating Officer, the Chief Financial Officer, the General Counsel, and the Authority's public relations firm.
- (c) The Commissioners may direct another employee to act in the absence of the Secretary.

## **1.2 News Releases.**

- (a) All news releases must be reviewed with the Board of Commissioners before issuance.
- (b) Each Commissioner has the prerogative of his/her choice if he/she wants to speak to the media. These communications should be shared with the Authority's Secretary to log all media inquiries.

## **1.3 Media Access to Authority Facilities and Employees.**

- (a) No member of the news media is to be allowed entrance to the Authority's offices without first contacting the Secretary to the Authority or the Authority's public relations firm. This does not pertain to meetings of the Commissioners which are open to the media and the public.
- (b) Requests for interviews by members of the news media will be managed by the Authority's Secretary in conjunction with officials from the Authority's public relations firm.
- (c) Press releases, statements, and other communications to the media from the Authority may be developed and distributed by the firm when so directed.
- (d) Prior to distribution, these materials must be approved by the Secretary to the Authority, and/or Authority Commissioners.

- (e) Reporters and other members of the media are expected to conduct themselves in a professional manner. Any actions that are determined to be otherwise will result in the media representative being asked to leave the premises.

## **Section 2 Communications Made to the Authority.**

### **2.1 Procedure.**

- (a) All phone calls, emails or any other communications made to the Authority by officials from the news media should be referred to the Authority's Secretary.
- (b) The Authority's Secretary in turn will contact the appropriate staff member(s) and the Authority's public relations firm if necessary.
- (c) The Secretary to the Authority along with the public relations firm will determine when it is necessary to contact the Board of Commissioners, to determine and coordinate the most appropriate response after assessing each request.
- (d) All requests for interviews and information shall be handled on a timely basis.

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

<b>Re: DEFENSE &amp; INDEMNIFICATION POLICY &amp; PROCEDURE</b>	<b>Policy No. 94</b>
---	----------------------

<b>Application: Authority Wide</b>	<b>Adopted: 03/26/2019</b> <b>Amended: 10/20/2022<sup>1</sup></b> <b>09/20/2023</b>
------------------------------------	---

**PURPOSE**

The Erie County Water Authority has established this policy to afford protections to ECWA members, officers, and employees, against personal liability in the event such member, officer, or employee is sued individually as a result of any cause of action which may arise by reason of an act or omission which occurs while the individual was acting within the scope of his/her public employment or duties. Former members, officers, and employees are also covered by this policy.

For purposes of this policy, the term “members” means the Commissioners, duly appointed pursuant to Public Authorities Law § 1053(1). The term “members” also includes “ad hoc members” who are appointed to serve as non-voting committee members pursuant to the Authority’s Amended and Restated By-Laws.

**POLICY**

**Section 1 Public Authorities Law § 1071.**

Pursuant to Public Authorities Law § 1071, no ECWA members, officers, and employees, while acting within the scope of their authority, shall be subject to any personal liability resulting from the erection, construction, reconstruction, maintenance, or operation of the properties or any of the improvements or from carrying out any of the powers expressly given to the Authority in Article 5, Title 3 of the Public Authorities Law. Although § 1071 gives statutory immunity to Authority members and employees, the section sets forth no provision relating to defense.

---

<sup>1</sup> This Defense & Indemnification Policy & Procedure replaces H.R. Policy No. 94.0 (Defense and Indemnification).



## **Section 2 Public Authorities Law § 2824(1)(f)**

Directs board members of any state or local public authority to “adopt a defense and indemnification policy and disclose such plan to any and all prospective board members.”

## **Section 3 Public Officers Law § 18**

Established a comprehensive defense and indemnification policy for any public authority whose governing body has agreed by resolution, rule, or regulation to confer the benefits of that section upon its members, officers, and employees and to be held responsible for the costs incurred under the provisions of Public Officers Law § 18.

Consistent with the provisions of the Public Authorities Law, the Authority elects to make the provisions of Public Officers Law § 18 applicable to its members, officers, and employees. Nothing contained in this policy or within the general provisions of state law shall be deemed to extend the provisions of Public Officers Law § 18 to any independent contractor with whom the Authority may have contracted.

## **PROCEDURE**

### **Section 1 Reporting.**

Members, officers, and employees are directed to report any incident or complaint from which a civil liability claim may be alleged against the Authority or its personnel to the Authority’s Security Officer. The failure to report such an incident or complaint could affect the Authority’s ability to gather necessary evidence to be used in the defense of such claim.

### **Section 2 Defense.**

Current and former members, officers, and employees, who are sued in their individual capacity in a civil suit in state or federal court for acts or omissions occurring, or alleged in the complaint to have occurred, within the scope of their employment may be entitled to have the Authority provide for their defense under the terms and conditions of this policy and at the exclusive discretion of the Authority’s Board of Commissioners.

### **Section 3 Protection Under the Policy.**

**3.1** To invoke the protection of this policy, a current or former member, officer, or employee must immediately deliver a copy of the paper with which he or she has been served, as well as a request for representation, to the Authority's General Counsel within at least five business days. Such papers must be emailed, mailed, or delivered to the General Counsel at 295 Main Street, Room 350, Buffalo, New York 14203.

**3.2** The current or former member, officer, or employee must cooperate in the defense of the matter, the defense of any related action against the Authority, and in the prosecution of counterclaim or appeal brought by the Authority, to be entitled to privileges of defense and indemnification set forth in this policy. If the member, officer, or employee meets the above terms and conditions, the individual will be entitled to a defense by an attorney selected by the Authority or its insurance carrier, or in the case where the General Counsel determines that a conflict of interest exists by outside counsel paid for by the Authority.

**3.3** Where the member, officer, or employee is sued in connection with an accident in which he or she was driving a privately owned vehicle while on Authority business, the member, officer, or employee should request defense from the vehicle's liability insurer. Even if the employee is entitled to coverage under this policy, the Authority will only act as an excess-insurance carrier in such a situation.

### **Section 4 Indemnification.**

If a monetary judgment is awarded against a member, officer, or employee in a state or federal court, or the matter is settled, the Authority will indemnify the member, officer, or employee where the injury resulted from acts or omissions which actually occurred, as opposed to merely alleged in the complaint to have occurred, within the scope of the public employment or duties. In addition, the damages must not have resulted from intentional wrongfully acts on the part of the member, officer, or employee. The Authority's Board of Commissioners must approve indemnification and payment of a judgment or settlement.

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

<b>Re: USE OF VEHICLES FOR WORK POLICY &amp; PROCEDURE</b>	<b>Policy No. 95</b>
--	----------------------

<b>Application: All Employees Who Use an Authority Vehicle</b>	<b>Adopted: 09/05/2019</b> <b>Amended: 01/21/2021</b> <b>03/25/2021</b> <b>10/20/2022<sup>1</sup></b> <b>09/20/2023</b>
--	---

**POLICY**

The Erie County Water Authority (the “Authority”) owns a fleet of work vehicles used by Authority personnel. Individuals holding certain titles within the Authority are permitted to take these work vehicles home for various work-related reasons, depending upon the employee’s title. When an employee uses a work vehicle for “personal use,” the value of the “personal use” is considered a taxable fringe benefit subject to FICA and federal and state income taxes.

The Authority has adopted this Policy to set forth clear and comprehensive guidelines applicable to employees, using work vehicles for personal use, and whose personal use is subject to applicable rules and regulations promulgated by the Internal Revenue Service.

This Policy is also intended to set forth procedures ensuring the safe and lawful operation of all Authority owned vehicles. This Policy, as adopted and as may later be amended, is to be interpreted to be consistent with the following: (1) Vehicles are not to be operated unless in a safe operating condition; (2) Drivers must be physically and mentally able to drive safely; (3) Drivers must conform to all traffic laws with allowances made for adverse weather and traffic conditions; (4) Employees are expected to respect the rights of other drivers and pedestrians; and (5) Drivers may not misuse drugs or use alcohol, or be under the influence of drugs or alcohol, while operating an Authority vehicle.

---

<sup>1</sup> This Use of Vehicles for Work Policy & Procedures consolidates and replaces H.R. Policies Nos. 9.0 (Use of Authority Vehicles) and 95.0 (Fleet Management).

## PROCEDURE

### Section 1 Definitions.

- (a) “**24-Hour Access Vehicle**” means a **work vehicle** assigned to an employee who has 24-hour access to the vehicle for business and personal use.
- (b) “**Annual lease value**” means the value assigned by the **IRS** based on the **FMV** of a work vehicle.
- (c) “**Statement of vehicle use**” means the annual statement given to the **Authority’s** Comptroller in the month of December, indicating the total mileage placed on a **work vehicle** and what percentage of the mileage was personal and not business.
- (d) “**Assigned Work Vehicle**” means, for purpose of this policy, a **work vehicle** assigned to an employee for business use and for limited **personal use** to commute to and from work.
- (e) “**Authority**” means the Erie County Water Authority.
- (f) “**Business log**” means the log kept by an employee who may use a **work vehicle** 24-hours a day for both personal and business travel. For tax purposes, such an employee is required to maintain a business log containing the business mileage, time and place for business travel, and the business purpose for such travel.
- (g) “**Calculated fringe benefits**” means the fringe benefit allocated for **personal use** using either the **Commuting Rule** or the **Lease Value Rule** and for the fuel used for **personal use**.
- (h) “**Chief Operating Officer**” means the individual whose position is defined under the job specifications for Executive Director.
- (i) “**Commuting Rule**” means the **IRS** rule for calculating **personal use** for commuting to or from home, using a **work vehicle**. Under the **Commuting Rule**, the **IRS** has established a published, flat rate for a **one-way commute**.
- (j) “**FICA**” means payroll withholdings for social security and Medicare.

- (k) “**Fleet Manager**” means the Administrative Assistant in the Facilities and Transportation unit.
- (l) “**FMV**” means fair market value.
- (m) “**Fuel value**” means the Authority cost of fuel provided by the **Authority** for a **work vehicle**, including fuel pumped at the Union Road Service Center or fuel billed or invoiced to the **Authority**. Fuel assessed for personal use is a taxable fringe benefit under **IRS** rules.
- (n) “**IRS**” means the Internal Revenue Service within the United States Department of the Treasury.
- (o) “**Lease Value Rule**” means the **IRS** rule for calculating **personal use** by an employee who has 24-hour access to a **work vehicle**.
- (p) “**LENS**” is the License Event Notification Service, NYS Department of Motor Vehicles.
- (q) “**Misuse of drugs**” means not only the use of illegal drugs but also the misuse of legally prescribed controlled substances.
- (r) “**One-way commute**” means commuting one-way, either to, or from work. During a **one-way commute**, an employee is permitted to use an **Assigned Work Vehicle** on a de minimis basis for personal errand while traveling en route to work or from home.
- (s) “**Operations Vehicles**” means pick-up trucks, line maintenance trucks, and dump trucks.
- (t) “**Passenger Vehicle**” means fleet vehicle assigned to transport passengers only – i.e., SUVs.
- (u) “**Personal use**” means use of a **work vehicle** for purposes unrelated to work including, but not limited to, commuting to or from work.
- (v) “**Qualified Employee**” means an employee with a valid NYS driver’s license approved for the type of vehicle needed. Consistent with federal and state laws, a qualified employee with a CDL may not use legally prescribed controlled substances while operating a commercial motor vehicle (CMV) without clearance from a medical profession.

- (w) “***Under the influence***” means a driver whose ability to operate a vehicle is impaired by using alcohol, illegal drugs, or legally prescribed controlled substances
- (x) “***Work vehicle***” means a vehicle owned by the **Authority** and used by **Authority** personnel for business purposes. The term “work vehicle,” as used in this policy, has the same meaning as the term “employer-provided vehicle,” as used by the **IRS**.
- (y) “***Working Condition Benefit Rule***” means the **IRS** rule that permits a taxpayer to deduct allowable business expenses when the taxpayer’s use of an employee-provided vehicle is considered taxable income.

## **Section 2    General Rules.**

- (a) Nothing in this policy should be read in conflict with any collective bargaining agreement.
- (b) All Authority vehicles, except those defined as ***personal-use vehicles***, must be numbered and display Erie County Water Authority decals on both the left and right front doors.
- (c) All Authority vehicles, except those defined as ***personal-use vehicles***, must be equipped with an Authority-issued GPS tracking device. Removal or tampering with the device will result in disciplinary action.
- (d) Both ***passenger*** and ***operations vehicles***, not permanently assigned to a treatment plant, must use the gasoline pumps located at the service center.
- (e) Vehicles permanently assigned to a treatment plant, or to an individual whose office is located at a treatment plant, must use the SUNOCO fleet cards assigned to the plant.
- (f) Qualified employees requiring a vehicle from the general fleet, must request the vehicle through the ***Fleet Manager*** or the Director of Administration.

### **Section 3 Driver's Privacy and the LENS System.**

- (a) The Authority complies with all provisions relating to the Federal Driver's Privacy Protection Act (DPPA).
- (b) The Authority subscribes to the NYS *LENS* system. The service notifies authorized individuals of the following Motor Vehicle Record (MVR) events:
  - accidents (reportable)
  - convictions
  - expirations
  - Point and Insurance Reduction Program completions
  - license status changes
  - suspensions and revocations
- (c) All *Qualified Employees* are subject to *LENS* notifications. Notifications will be handled in a confidential manner with the Human Resources Department.
- (d) Any notice of suspension or revocation will render the employee unqualified to operate any Authority vehicle.

### **Section 4 Accident Reporting.**

- (a) Any accident in an Authority vehicle must be immediately reported to the employee's immediate supervisor or to the Human Resources Department.
- (b) A NYS Department of Motor Vehicles Report No. MV-104 must be completed at the earliest convenience.
- (c) The Security Officer will assist you in the preparation of the motor vehicle accident report and will be responsible for investigation of the accident and when warranted coordinate efforts with the Department of Human Resources.
- (d) Any employee involved in an accident while operating an Authority's vehicle is subject to mandatory drug and alcohol testing.

## **Section 5 Defensive Driving.**

- (a) The Authority shall offer a free defensive driving course annually to all employees, including employees who do not operate Authority vehicles.
- (b) All Authority personnel who are required to have a CDL license are required to complete a defensive driving course every three years.

## **Section 6 Driver's Responsibility for Traffic and Other Violations.**

- (a) Any driver operating an Authority vehicle will be responsible for traffic and non-traffic violations relating to the operation of a vehicle including but not limited to parking, toll, or moving violations. The Authority will not be responsible for the payment of any fines or surcharges imposed upon a driver operating an Authority vehicle for such violations.
- (b) A driver operating an Authority vehicle must report to the Authority's Director of Human Resources any criminal charge issued against the driver including but not limited to charges relating to the operation of any vehicle while under the influence of alcohol or drugs, or charges issued against the driver relating to a traffic accident or leaving the scene of an accident, while operating an Authority's vehicle. The Authority will not be responsible for any costs relating to such criminal charges including but not limited to attorney fees and expenses for the driver's defense or any fines or surcharges imposed upon such driver.
- (c) Drivers of an Authority vehicle will not be responsible for violations relating to the registration, insurance, or equipment of an Authority vehicle. If a ticket or summons is given to the driver for such violations, the driver will promptly return to the Authority's Service Center and deliver the ticket or summons to the Director of Administration who will be responsible for removing the vehicle from the Authority's fleet until such time the vehicle has the proper registration, insurance, and equipment.



## **Section 7 24-Hour Access Vehicle.**

- (a) The *Authority* provides *24-Hour Access Vehicles* to essential personnel who incur extensive business mileage or who are routinely required to respond to emergencies on a twenty-four (24) hour basis.
- (b) The *Authority* shall assign a *work vehicle* on a twenty-four (24) hour basis to an essential employee having one of the following titles: Chief Instrument and Control Systems Specialist, *Chief Operating Officer*, Executive Engineer, Security Officer, Sr. Production Engineer, Sr. Distribution Engineer, and Director of Operations.
- (c) Employees having one of the titles set forth in paragraph (b) of this section are not required to accept a *24-Hour Access Vehicle*. Subject to the provisions of Policy No. 8 Travel and Training Expenses, such an employee may seek mileage reimbursement for using a personal vehicle for business usage.
- (d) Employees assigned to a *24-Hour Access Vehicle* may use such vehicle for *personal use* subject to the limitations set forth in paragraphs (e) through (g) of this section.
- (e) Employees assigned to a *24-Hour Access Vehicle* may not leave the United States with the vehicle for personal use. The employee must have prior approval from the Authority to use the work vehicle for business purposes outside of the United States.
- (f) Employees assigned to a *24-Hour Access Vehicle* may not travel more than one hundred miles (100) outside the County of Erie for personal use. The employee must receive prior approval from the Authority to use a *24-Hour Access Vehicle* beyond one hundred miles (100) of the County of Erie line for either business or personal use. Approval from the Authority shall be granted by either an action of the Board of Commissioners or the Secretary of the Authority.
- (g) Employees assigned to a *24-Hour Access Vehicle* must have a valid New York State driver's license.

(h) **Business Log**

- (1) In accordance with *IRS* rules and regulations, an employee assigned to a *24-Hour Access Vehicle* must maintain a *business log*.
- (2) The employee is solely responsible for recording and maintaining a business log.
- (3) The *IRS* considers written records made at the time of each business use are the best evidence.
- (4) Any use of a *24-Hour Access Vehicle* that is not substantiated as business use would be treated by the *IRS* as taxable income. Under such circumstances, the employee will be subject to the *working condition benefit rule*.

(i) **Statement of Vehicle Use**

- (1) An employee assigned to a *24-Hour Access Vehicle* must provide an *annual statement of vehicle use* to the Authority during the month of December.
  - (2) The employee is solely responsible for the content of the *statement of vehicle use*.
  - (3) If the employee fails to provide the *statement of vehicle use*, the Authority is required under *IRS* rules and regulations to calculate personal use at 100% of the vehicle's *annual lease value*.
- (j) The taxable fringe benefit for *personal use* of a *24-Hour Access Vehicle* is calculated by the Authority based on the *Lease Value Rule*.
- (k) The *fuel value* for *personal use* by an employee assigned to a *24-Hour Access Vehicle* will be reported separately in the employee's wages pursuant to section 5 of this policy.

**Section 8 Assigned Work Vehicle.**

- (a) The *Authority* provides *Assigned Work Vehicles* to essential personnel who do not routinely report to one work location or who may be on-call for emergencies. *Assigned Work Vehicles* contain

equipment necessary either to respond to an emergency or to perform daily work assignments.

- (b) The *Authority* provides an *Assigned Work Vehicle* to an essential employee having one of the following titles: Director of Water Quality, Electrical Engineer, Control Operator Crew Chief, and Pump Mechanic Crew Chief.
- (c) Employees using an *Assigned Work Vehicle* must have a valid New York State driver's license.
- (d) An *Assigned Work Vehicle* must display *Authority* decals on the driver and passenger front doors.
- (e) An essential employee with an *Assigned Work Vehicle*, as defined, may use the vehicle for business use and for limited *personal use* to commute to and from work.
- (f) Commuting to and from work is considered under *IRS* rules as *personal use*.
- (g) The taxable fringe benefit for *personal use* of an *Assigned Work Vehicle* is calculated by the Authority based on the *Commuting Rule*.

## **Section 9 FICA and Tax Withholdings.**

- (a) *Calculated fringe benefits* will be reported on the employee's W-2 under "Wages, tips, and other compensation" (Box 1) and "Other" (Box 14).
- (b) As required by *IRS* rules and regulations, *FICA* will be withheld during the last pay period in December for income reported as a *calculated fringe benefit*.
- (c) The Comptroller will not withhold state and federal income tax for income reported as a *calculated fringe benefit*. Employees having reported taxable income as a *calculated fringe benefit* are responsible for reporting and paying any taxable liability for income reported as a *calculated fringe benefit*.

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

<b>Re: COMMUNICABLE DISEASE PREPAREDNESS PLAN</b>	<b>Policy No. 96</b>
---	----------------------

**Application: All Employees**

**Adopted: 03/25/2021**

**Amended: 09/20/2023<sup>1</sup>**

**ARTICLE I  
POLICY**

**Section 1. Labor Law § 27-c (L. 2020, c. 168)**

1.1 On September 7, 2020, the State of New York amended the New York Labor Law by adding a new section, Labor Law § 27-c, requiring public employers to adopt a plan for operations in the event of a declared public health emergency involving a communicable disease.

1.2 Section 27-c of the Labor Law requires public employers across New York State to draft and publish contingency plans for declared public health emergencies so that public workplaces can avoid chaos and confusion and are better prepared for the next global health crisis.

1.3 As a public authority performing essential governmental functions, the Erie County Water Authority is a public employer subject to the provisions of Labor Law § 27-c.

1.4 The Governor and the Legislature has instructed public employers to adopt and publish a communicable disease contingency plan no later than April 1, 2021.

**Section 2. Adoption of a Communicable Disease Preparedness Plan**

2.1 The Erie County Water Authority (the “Authority”) is responsible for the treatment and distribution of 25 billion gallons of safe, clean, potable water annually to residential, commercial, and industrial customers, including hospitals, health care facilities, and nursing homes, in 36 municipalities located within Erie County and parts of Chautauqua, Cattaraugus, western Wyoming, and western Genesee counties, as well as the territories of the Seneca Nation of Indians.

2.2 During the COVID-19 pandemic, the Authority’s management, collective bargaining units and employees worked tirelessly as a team to carry out the mission of providing a plentiful supply of safe, high quality and affordable drinking water through a reliable infrastructure to ECWA customers on a 24 hours, 7 days a week basis. These individuals are the

---

<sup>1</sup> This Communicable Disease Preparedness Plan replaces H.R. Policy No. 96.0 (Communicable Disease Preparedness Plan).

true and often forgotten heroes of the COVID-19 pandemic.

2.3 Pursuant to Public Authorities Law § 1054 (18), the Authority has been given power to “do all things necessary or convenient to carry out the power expressly given” in its enabling legislation (Public Authorities, Article 5, Title 3). The Authority, therefore, has been given the power to do all things necessary for the delivery of potable water during declared public emergencies.

2.4 The Authority’s Board of Commissioners (the “Board”) declares the health and safety of its workers, contractors, vendors, agents, or visitors are its top priority and will ensure the health and safety of those who enter an Authority worksite by engaging in thoughtful and deliberative planning, leading to health and safety policies, procedures, plans, and communications.

2.5 Beginning with the 2022 Annual Meeting, the Board directs the Executive and Senior Staff to annually review and recommend changes to this policy, known as H.R. 96.0, Communicable Diseases Preparedness Plan.

2.5.1 Before any recommendations or changes are made relating to this policy, the Secretary of the Authority and the Director of Human Resources will consult and consider any suggestions or comments made by a representative of the collective bargaining units.

2.5.2 A representative of a collective bargaining unit may submit to the Board in the form of a communication any suggestions, comments, or proposed changes to this policy. The Secretary of the Authority shall include such communication as part of the Board agenda in accordance with the procedure established by the Secretary for the filing of Board agenda items.

## ARTICLE II PURPOSE

### Section 1.     **General Purpose**

1.1 In accordance with the provisions of Labor Law § 27-c and consistent with the Authority’s mission, the Authority adopts this Communicable Disease Preparedness Plan for a Communicable Disease Pandemic for the purpose of:

1.1.1 Containing and isolating the spread of infectious diseases within the workplace by reinforcing safety and health practices not only during a declared public health emergency involving the global spread of communicable disease but also during cold and influenza season; and

1.1.2 Establishing contingency plans to maintain delivery of services during times of significant and sustained workforce depletion due to absenteeism; and

1.1.3 Whenever possible and feasible, allowing workers to work remotely to stop or lessen the spread of infectious diseases within the workplace, or whenever

a travel advisory has been issued for non-essential workers; and

- 1.1.4 Fostering better communications and training to all Authority personnel and onsite contractors, vendors or visitors relating to the safety and health rules and guidelines; and
- 1.1.5 Maintaining good management and labor relationships through open communications, cooperative arrangements, agreements, or understandings relating to the health and safety of all employees; and
- 1.1.6 Evaluating and setting up offices and workstations to provide prudent spacing between employees and/or other onsite individuals; and
- 1.1.7 Establishing safety and cleaning protocols for shared workspaces such as vehicles, shelters, restrooms, kitchens, conference or meeting rooms, copy rooms, workstations shared by shift workers and other common areas within the workplace.

## **Section 2. Statutory Requirements**

2.1 In accordance with the provisions of Labor Law § 27-c, the Communicable Disease Preparedness Plan must include:

- 2.1.1 List and description of positions considered essential; and
- 2.1.2 Description of protocols to follow to enable all non-essential employees to work remotely; and
- 2.1.3 Description of how the Authority will stagger work shifts to reduce overcrowding; and
- 2.1.4 Description of procurement and storage procedures for obtaining personal protective equipment; and
- 2.1.5 Description of the protocols for addressing, isolating, or quarantining workers exposed to communicable diseases; and
- 2.1.6 Description of the protocols for documenting the precise hours and work locations for essential workers, designed for tracking disease spread; and
- 2.1.7 Working with community businesses, facilities, and agencies for supplying food, lodging and health services for essential workers during a declared public emergency; and

2.2 All duly recognized or certified representatives of an employee's collective bargaining unit must have the opportunity to review and make recommendations prior to the adoption or any modification to the Communicable Disease Preparedness Plan.

2.3 The Authority is prohibited from taking any retaliatory action or otherwise discriminate against any employee for making suggestions or recommendations regarding the contents of the Communicable Disease Preparedness Plan.

2.4 Once adopted or modified by the Board, the Communicable Disease Preparedness Plan shall be published on the Authority’s website.

## ARTICLE III DEFINITIONS

### Section 1.     **Definitions**

1.1 The “Authority” shall mean the Erie County Water Authority, a public authority, exercising governmental power under the laws of the State of New York.

1.2 The “Board” shall mean the Authority’s Board of Commissioners.

1.3 “BCP” shall mean the Business Continuity Plan, identified in in Article IX, section 1, subsection 1.2 of the Policy.

1.4 The “Brotherhood” shall mean the Brotherhood of Western New York Water Workers, AFL-CIO or its successor, which has entered into a collective bargaining agreement with the Authority.

1.5 “CDPP Response Team” shall mean Executive and Senior Staff members identified in Article IV, Section 2 of this Policy.

1.6 “CFO” shall mean the Chief Financial Officer.

1.7 The “Chief Operating Officer” or “COO” shall mean the individual holding the exempt Civil Service title of Executive Director.

1.8 “Communicable disease” shall mean an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

1.9 “Contractor” shall mean an individual, vendor, partnership, joint venture, or corporation performing essential services on behalf of the Authority.

1.10 “COVID-19 Declaration” shall mean the Declaration of Emergency, last amended on August 27, 2020, issued by the Board in response to the COVID-19 pandemic.



1.11 “CSEA” means the Civil Service Employees Association Inc., Local 1000, AFSCME, AFL-CIO or its successor, which has entered into a collective bargaining agreement with the Authority.

1.12 “Declared State of Emergency” shall mean a declaration issued by the State of New York, its Governor, the Erie County Executive, or the Board in response to a communicable disease pandemic.

1.13 “Division” shall mean one of the four divisions headed by a Division Head

1.13.1. Division A is the designation given to the division under the supervision of the Secretary.

1.13.2. Division B is the designation given to the division supervised by the COO.

1.13.3. Division C is the designation given to the division supervised by the CFO.

1.13.4. Division D is the designation given to the division supervised by the General Counsel.

1.14 “Declaration of Emergency” shall mean the resolution adopted by the Board in response to a Declared State of Emergency, which incorporates or modified specific provisions contained within this Policy.

1.15 “Division Head” shall mean the Secretary, the Chief Operating Officer, the Chief Financial Officer, and the General Counsel.

1.16 “Employee” shall mean a person employed by the Authority, including essential workers employed by a Contractor.

1.17 “ERP” shall mean the Emergency Response Plan, identified in in Article IX, section 1, subsection 1.1 of the Policy.

1.18 “Essential” shall refer to a designation made by the Authority that an Authority employee or Contractor is required to be physically present at a work site to perform a job or service.

1.19 The “Executive Staff” shall mean the Division Heads and the Executive Engineer.

1.20 “General Counsel” shall mean the individual holding the exempt Civil Service title of Attorney.

1.21 “Non-essential” shall refer to a designation made by the Authority that an Authority employee or Contractor is not required to be physically present at a work site to perform a specific job or service.

1.22 “Non-Tier” titles shall mean those active job titles not listed in Article VI, Section 1 of this Policy.

1.23 “Operation plan” shall mean the plan, described in section 1.3 of Article VI of this Policy

1.24 “Personal protective equipment” shall means all equipment worn to minimize exposure to hazards, including gloves, masks, face shields, foot and eye protection, protective hearing devices, respirators, hard hats, disposable gowns and aprons and such other items as needed.

1.25 “Plan” shall mean the Communicable Disease Preparedness Plan.

1.26 “Plan Coordinator” shall mean the individual designated by Article IV, section 1 of this Policy.

1.27 “PMG” shall mean a professional medical group.

1.28 “Policy” shall mean Policy No. 96.0, entitled the Communicable Disease Preparedness Plan, contained within the Authority’s Employee Policies and Procedure Manual.

1.29 “Retaliatory action” shall mean the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee, in the terms and conditions of employment.”

1.30 “RAA” shall mean the Risk Assessment Analysis, describe in Article IX, section 1, subsection 1.1 of the Policy.

1.31 “Secretary” shall mean the Secretary of the Authority.

1.32 “Senior Staff” shall mean the Comptroller, the Director of Administration, the Director of Human Resources, and the Director of Water Quality.

1.33 “Tier” shall mean the level given to an essential function performed by an Authority employee in a particular job title.

1.34 “Workplaces” means the Ellicott Square Building, the Union Road Service Center, the Sturgeon Point Treatment Plant, and the Van de Water Treatment Plant.

1.35 “Worksites” means sites where Authority personnel or Contractors have been assigned to work in the field.

## **Section 2. Application**

2.1 The definitions contained in Article III shall be applied to all Articles within this Policy.

**ARTICLE IV**  
**PLAN ADMINISTRATION**

**Section 1. Plan Coordinator**

1.1 Unless otherwise directed by the Board, the Secretary, or an individual under the supervision of and designated by the Secretary, shall be designated the Plan Coordinator.

1.2 The Plan Coordinator shall be responsible for:

- 1.2.1 Conducting an annual review of the Policy with members of the CDPP Response Team; and
- 1.2.2 Monitoring issues and information relating to the spread of communicable diseases; and
- 1.2.3 In consultation with the CDPP Response Team, reporting proposed changes to the Policy to the members of the Executive and Senior Staff for their review and comments; and
- 1.2.4 Attending external training/seminars/meetings about communicable disease outbreaks within Western New York; and
- 1.2.5 Supervising, with the assistance from members of the CDPP Response Team, all employee training relating to the best health and safety practices during cold and influenza season , or with the implementation of a pandemic plan under a declaration of emergency; and
- 1.2.6 Reviewing with the CDPP Response Team any suggestions and comments from interested parties, including Authority personnel and Contractors; relating to health and safety rules during cold and influenza seasons or the implementation of a pandemic plan; and
- 1.2.7 Assisting the Board and its Governance Committee with the preparation and adoption of a declaration of emergency; and
- 1.2.8 Communicating such information to public health agencies, Authority personnel, all essential workers, customers, the media, and other interested parties, which is deemed necessary by:
  - 1.2.8.1 law including any Executive Orders issued by the Governor of New York or rules and regulations issued by the New York State Department of Health; or
  - 1.2.8.2 the Board or Executive Staff; or

1.2.8.3 the Erie County Health Department; or

1.2.8.4 the CDPP Response Team.

**Section 2. CDPP Response Team**

2.1 Members of the CDPP Response Team shall include the following:

2.1.1 Plan Coordinator; and

2.1.2 Members of the Senior Staff; and

2.1.3 Representative appointed by the Brotherhood; and

2.1.4 Representative appointed by CSEA; and

2.1.5 Such additional members as appointed by the Plan Coordinator or the Executive Staff including any employee or consultant knowledgeable about security or information and remote technology.

2.2 The CDPP Response Team will have the following responsibilities:

2.2.1 Identify and communicate to the Plan Coordinator which employees, Contractors, and systems are essential to maintaining Authorities operations at their worksites; and

2.2.1.1 Annually reviewing and updating Article VI, Section 1, subsections 1.3; and

2.2.2 Identify and communicate to the Plan Coordinator the names of possible ancillary employees who could perform certain job duties in the case of a pandemic (e.g. consultants, temporary work services, retired employees); and

2.2.3 Develop and communicate to the Plan Coordinator an emergency communications plan for their departments/units/worksites, including identification of key personnel, Contractors, and customers; and

2.2.4 Develop and submit a plan to continue operations at their worksites with the least possible number of staff; and

2.2.4.1 Annually reviewing and updating Article VI, Sections 1 and 2; and

2.2.5 Ensure that all employees in their departments or units are adequately trained on emergency procedures in the case of a pandemic and in the prevention of illness; and

2.2.6 Encourage all employees to be vaccinated annually for influenza and for other known communicable diseases; and

- 2.2.7 Assist the Plan Coordinator in the implementation of this Policy, if necessary, at their worksites.

**Section 3. Other Key Participants**

3.1 The Plan Coordinator will maintain a list of contacts in the health profession to provide consultation and advice relating to the spread of communicable diseases and to the preparation and implementation of the Plan and to provide medical assistance to essential personnel during a Declared State of Emergency.

3.2 The Director of Administration, as a member of and working with the CDPP Response Team, will provide a list of Contractors providing essential goods or services necessary for the Authority’s operation during a Declared State of Emergency.

**ARTICLE V**  
**EMPLOYEE HEALTH**

**Section 1. Cold and Influenza Season**

1.1 When a virus is transmitted from person to person, it replicates in the human host then can mutate before it is transmitted again to another human host. This is the reason why there is no cure for the common cold. Today’s common cold is a different virus than the colds we had as children. The same is true of influenza (i.e. the flu) and of the coronavirus. COVID-19 is a mutated version of the coronavirus.

1.2 A virus cannot mutate if it cannot replicate (i.e., if it cannot be passed to another human host).

1.3 When an employee is sick, the employee must use sick leave and stay home, unless

- 1.3.1 the employee’s supervisor allows the employee to work remotely, when practical and feasible, or

- 1.3.2 the employee performs an essential function; the employee’s supervisor requests the employee reports to work; and the employee agrees to report to work.

- 1.3.2.1 While at work, the employee must wear a mask, maintain a social distance of six feet or more from others, and frequently washes his/her hands or uses hand sanitizers.

1.4 Prior to cold and influenza season, the Plan Coordinator will post notices at all ECWA Workplaces with information as to how to reduce the spread of viruses and other communicable diseases.

1.5 The Plan Coordinator, working with the CDPP Response Team, will make available masks, hand sanitizer, disinfecting wipes or sprays, and such other items as deemed necessary for each ECWA Workplace.

## **Section 2. Basic Hygiene**

2.1 Authority personnel, Contractors, and visitors shall be educated and reminded of the hygiene measures to prevent the spread of disease including:

2.1.1 Covering coughs and sneezes with a tissue (or into elbow if necessary); and

2.1.2 Avoiding hand shaking; and

2.1.3 Avoiding close contact with people who are sick; and

2.1.4 Staying out of work when you are sick; and

2.1.5 Washing your hands often with soap and water for at least 20 seconds; and

2.1.5.1 If soap and water are not available, using an alcohol-based hand sanitizer containing at least 60% alcohol; and

2.1.6 Avoiding touching your eyes, nose, and mouth; and

2.1.7 Cleaning and disinfecting frequently touched objects and surfaces; and

2.1.8 Not sharing workstations without cleaning and disinfection of workstation between use

## **Section 3. Working Remotely**

3.1 Unless permission is otherwise granted by a Division Head, an individual whose job title or function has been classified under Article VI as being able to work remotely when given a doctor's excuse, or permission from his/her supervisor.

3.2 Authority employees who are permitted to work remotely must accurately report the number of hours worked while at home and the number of hours the employee was unable to work due to sickness.

3.3 Authority employees who are permitted to work remotely due to sickness will be required to stay at home and be available by phone and email, unless the employee has a medical appointment for which the employee will be taking sick or personal leave time for such visits. If the Authority employee is too sick to work, then the employee will be required to take sick or personal leave.

## **Section 4. Annual Vaccinations**

4.1 The Authority will encourage annual vaccinations for influenza and other known communicable diseases.

4.2 When possible, the Authority will offer such vaccinations at their Workplace.

4.3 During a Declared Emergency, if the Authority is unable to offer vaccinations for a communicable disease at its Workplaces, the Authority will allow Authority personnel two-hours during the workday to obtain such vaccination. Authority personnel must present proof of receiving a vaccination to be eligible for the two-hour leave.

## ARTICLE VI PANDEMIC WORKFORCE PLAN

### Section 1. Essential Function & Personnel

1.1 The Authority must be prepared to protect its employees, business partners, agents, and customers from a future global pandemic. No one can predict when the next pandemic will be, or how long it will last. But the Authority must take whatever steps necessary to reduce the spread and exposure of such a communicable disease to carry out the Authority's mission-driven duty of supplying potable water to its dependent water customers.

1.2 The Plan Coordinator and CDPP Response Team must be prepared with a Plan, allowing the Authority to continue its operation with a reduced workforce with the primary objective of protecting its essential workers from being exposed to debilitating communicable disease during a pandemic.

1.3 Within 90 days following the adoption of this Policy, executive and senior management will prepare, in consultant with the Plan Coordinator and CDPP Response Team, an operation plan for the following functions:

- 1.3.1 Accounting
- 1.3.2 Board Governance
- 1.3.3 Cyber and Security
- 1.3.4 Customer Service
  - 1.3.4.1 Meter Shop
- 1.3.5 Distribution
- 1.3.6 Engineering
- 1.3.7 Facilities Maintenance
- 1.3.8 Information Technology & Communications Systems
- 1.3.9 Legal
- 1.3.10 Production
- 1.3.11 Water Quality

1.4 When the Authority is operating under a Declared State of Emergency due to a pandemic, the Authority must immediately implement a workforce reduction plan that:

- 1.4.1 Makes provisions for employees who perform suspended, non-essential functions in an operation plan, described in section 1.3 of this Article; and
- 1.4.2 Allows employees to work remotely when possible and feasible to perform non-essential functions; and
- 1.4.3 Rotates or staggers work shifts for mission-driven essential workers; and
- 1.4.4 Establish a succession plan for key essential workers.

1.5 For purposes of the Plan and as defined in subsection 1.25 of Article III, essential functions include services relating to the safety of employees, the treatment and distribution of water, the repair and maintenance of water mains and other appurtenances essential for the operation of the water system, the payment of compensation to employees, payments relating to accounts payable or for customer refunds, the handling of mail, and other services deemed essential by the Authority.

1.6 In accordance with subsection (3)(a) of Labor Law § 27-2, the Board has identified all active job titles within the Authority and has classified each job title by tier and division.

## 1.7 Tier 1

1.7.1 Tier 1 is the designation given to essential functions that must be performed at a specific Workplace or Worksite. In Tier 1, there are a limited number of Authority employees who may carry-out these essential functions and whose absence would jeopardize the Authority's treatment and distribution of potable water.

1.7.1.1 The Operation Plan, described in section 1.4 of this Article should include, but not limited to, the following information for Tier 1 functions:

- 1.7.1.1.1 A succession plan for all key personnel
- 1.7.1.1.2 Names of possible ancillary employees, retirees, or consultants if key personnel cannot report to work
- 1.7.1.1.3 Increasing staffing to ensure sufficient coverage
- 1.7.1.1.4 Plans for cross-training
- 1.7.1.1.5 When possible, separating work crews from each other, as well as other initiatives to keep essential employees separated
- 1.7.1.1.6 Isolating infected, essential personnel
- 1.7.1.1.7 Quarantining infected essential personnel
- 1.7.1.1.8 Emergency housing for key essential personnel



- 1.7.1.1.9 Minimum security, communication, and other technology needs
- 1.7.1.1.10 Time and attendance tracking

1.7.2 The following are the Tier 1 job titles, classified by Division.

1.7.2.1 ***Division A***

Instrumentation Electrical & Electronic Technician

1.7.2.2 ***Division B***

Analytical Chemist (Water Quality)  
Construction Inspector  
Control Operator  
Director of Drinking Water Quality (ECWA)  
Director of Operations  
Dispatcher (Water)  
Electrical Engineer  
Laboratory Technician (Environmental Microbiology)  
Pump Mechanic  
Pump Mechanic Crew Chief  
Senior Water Treatment Plant Operator  
Water Service Crew Chief  
Water Treatment Plant Operator  
Water Treatment Plant Operator Crew Chief

1.7.2.3 ***Division C***

Automotive Mechanic  
Automotive Mechanic Crew Chief

1.8 **Tier 2**

1.8.1 Tier 2 is the designation given to essential functions that must be performed at a specific Workplace or Worksite. In Tier 2, these essential workers are in sufficient numbers and may have been crossed trained to perform other essential functions, allowing the Authority to rotate and stagger work schedules to reduce the size of its on-site workforce.

1.8.1.1 The Operation Plan, described in section 1.3 of this Article should include, but not limited to, the following information for Tier 2 functions:

- 1.8.1.1.1 A succession plan for all key personnel
- 1.8.1.1.2 Suspension of non-essential services

- 1.8.1.1.3 Plans for rotating staff or staggering work hours
- 1.8.1.1.4 When possible, separating work crews from each other, as well as other initiatives to keep essential employees separated
- 1.8.1.1.5 Plans for cross-training
- 1.8.1.1.6 Isolating infected essential personnel
- 1.8.1.1.7 Quarantining infected essential personnel
- 1.8.1.1.8 Recording work hours for payroll purposes
- 1.8.1.1.9 Minimum security, communication, and other technology needs.
- 1.8.1.1.10 Time and attendance tracking

1.8.2 The following are the Tier 2 job titles, classified by Division.

1.8.2.1 ***Division B***

Assistant Engineering Drafts Worker  
 Assistant Instrumentation Electrical & Electronic Technician  
 Crew Chief  
 Engineering Drafts Worker  
 General Crew Chief  
 Line Maintenance Operator  
 Senior Engineering Drafts Worker  
 Water Utility Worker

1.8.2.2 ***Division C***

Account Clerk  
 Account Clerk Typist  
 Business Office Manager  
 Chief Customer Service Representative  
 Customer Service Representative  
 Manager of Accounting Services  
 Meter Service Crew Chief  
 Meter Service Worker  
 Senior Account Clerk  
 Senior Meter Service Worker  
 Stores Clerk (55A)  
 Stores Clerk (Acting)

1.9 **Tier 3**

1.9.1 Tier 3 is the designation given to Authority personnel who may be on-call to perform specific job duties, but whose normal day-to-day duties may be done remotely.

1.9.1.1 The Operation Plan, described in section 1.3 of this Article should include, but not limited to, the following information for Tier 3 functions:

- 1.9.1.1.1 A succession plan for all key personnel
- 1.9.1.1.2 Suspension of non-essential services
- 1.9.1.1.3 Plans for cross-training
- 1.9.1.1.4 Plans for teleconferencing
- 1.9.1.1.5 Recording work hours for payroll purposes
- 1.9.1.1.6 Accessing on-site resources and files
- 1.9.1.1.7 Minimum security, communication, and other technology needs for working remotely, as more fully described in subsection 2.3 of this Article.

1.9.2 The following are the Tier 3 job titles, classified by Division.

1.9.2.1 ***Division A***

Commissioners  
Computer Operator  
Computer Support Specialist  
Data Entry Operator  
Director of Human Resources  
Geographic Information System Analyst  
Network Specialist (ECWA)  
Planner – Geographic Information Systems  
Secretary to the Authority  
Senior Micro Technical Support Specialist (ECWA)

1.9.2.2 ***Division B***

Administrative Assistant  
Chief Operating Officer  
Distribution Engineer  
Executive Engineer  
Production Engineer  
Senior Distribution Engineer  
Senior Production Engineer

1.9.2.3 ***Division C***

Chief Financial Officer  
Comptroller  
Diesel Generator Mechanic  
Director of Administration

1.9.2.4 ***Division D***

Claims Representative Risk Manager  
General Counsel  
Security Officer (ECWA)

**Section 2. Non-essential Functions & Non-Tier Employees**

2.1 Authority personnel who have the means and resources to work remotely will be directed to work remotely whenever the Authority is operating under a Declared State of Emergency.

2.2 Any non-Tier employee, who lacks the means and resources to work remotely or whose services are not necessary while the Authority is operating under a Declared State of Emergency, may be furloughed, or laid off.

2.2.1 The Operation Plan, described in section 1.3 of this Article should include, but not limited to, the following information:

- 2.2.1.1 Plan for accessing on-site resources and files
- 2.2.1.2 Plan for retaining business records for filing purposes
- 2.2.1.3 Recording work hours for payroll purposes
- 2.2.1.4 Plans for teleconferencing
- 2.2.1.5 Minimum security, communication, and other technology needs for working remotely, as more fully described in subsection 2.3 of this Article.

2.2.2 The following are Non-Tier job titles, classified by Division.

2.2.2.1 ***Division A***

Clerk (Seasonal)  
Confidential Secretary  
Coordinator of Employee Relations  
Deputy Administrative Director  
Employee Benefit Specialist  
Messenger  
Senior Programmer Analyst  
Supervising Stenographic Secretary

2.2.2.2 ***Division B***

Control Operator Crew Chief  
Principal Clerk Typist  
Senior Customer Representative (Restoration)  
Water Plant Helper

2.2.2.3 ***Division C***

Assistant Business Office Manager  
Bill Collector  
Cash Manager  
Chief Business Office Manager – Budget Director  
File Clerk (55A)  
Senior Customer Representative (Commercial)

2.2.2.4 ***Division D***

Associate Attorney  
Associate Attorney PT  
Deputy Associate Attorney  
Senior Clerk Typist

2.3 **Working Remotely**

Authority personnel who perform non-essential functions should, when feasible and practical, work remotely.

2.4 Based on the Operation Plans, described in 1.3 of this Article, the Authority will:

- 2.4.1 Identify staff who will work remotely; and
- 2.4.2 Approve and assign remote work; and
- 2.4.3 Identify the equipment and support services needed for such employees working remotely, which may include:
  - 2.4.3.1 Internet capable laptop; and
  - 2.4.3.2 Necessary peripherals; and
  - 2.4.3.3 Access to VPN and/or secure network drives; and
  - 2.4.3.4 Access to software and databases necessary to perform their duties; and
  - 2.4.3.5 A solution for telephone communications including forwarding office phone to an employee's cell phone or to an Authority issued cell phone.
- 2.4.4 Remote work will be based upon the Authority's needs with supervisors providing assignments.
- 2.4.5 To ensure that employee performance will not suffer in remote work arrangements, the Authority advises its remote employees to:

- 2.4.5.1 Choose a quiet and distraction-free working space; and
  - 2.4.5.2 Have an internet connection that is adequate to perform their job; and
  - 2.4.5.3 Dedicate their full attention to their job duties during working hours; and
  - 2.4.5.4 Adhere to all meal and rest break and attendance schedules.
- 2.4.6 The Authority will assist in providing computer equipment and accessories, including headphones, or speakers, when necessary. Employees may use their own equipment if preferable.
- 2.4.6.1 The Plan Coordinator should require every supervisor obtain from each employee working remotely a signed, remote work agreement with an inventory list of all Authority property given to such employee.
  - 2.4.6.2 Each supervisor will be required to give a copy of the remote work agreement, described in 2.4.6.1 of this Article to the Plan Coordinator.
- 2.4.7 Remote employees have full access to the Authority’s IT Help Desk and IT personnel to assist them with computer(s), internet, connections, and other remote-related issues.
- 2.4.8 The Authority supervisors will be responsible for keeping in contact with their remote workers, via telephone, email, TEAMS, WEBEX, ZOOM or other streaming capability.

## ARTICLE VII

### RECOMMENDED POLICY AND OTHER OPERATIONAL CHANGES

#### Section 1.     **By-Laws & Tariff**

1.1.     The Plan Coordinator and the CDDP Response Team will review, within 90 days of the adoption of this Policy and annually thereafter, the current provisions of the Authority’s By-Laws and Tariff and recommend to the Executive Staff an amendment allowing the Board to waive by resolution certain provisions within either the By-Laws or the Tariff during a Declared State of Emergency.

1.2.     If the Executive Staff, after receiving, modifying, or approving such a recommendation, it will forward such recommendation to the Governance Committee, with the Board having final approval of such amendments.

#### Section 2.     **Procurement Policies and Practices**

2.1 In consultation with the Director of Administration, the Plan Coordinator and the CDPP Response Team will review, within 90 days of the adoption of this Policy and annually thereafter, the current procurement policies, rules and procedures and recommend to the Executive Staff an amendment allowing the Board to suspend certain provisions during a Declared State of Emergency including adding a provision relating to emergency, pandemic procurements.

2.2 The Executive Staff, after receiving, modifying, or approving such a recommendation, will forward such recommendation to the Governance Committee, with the Board having final approval of such amendments.

### **Section 3. Employment Policies and Collective Bargaining Agreements**

3.1 In consultation with the Director of Human Resources, the Plan Coordinator and the CDPP Response Team will review, within 90 days of the adoption of this Policy and annually thereafter, the employment practices relating to non-represented employees, contained in the Employment Policy and Procedure Manual and recommend to the Executive Staff those provisions to be waived by the Board during a Declared State of Emergency.

3.2 The Executive Staff, after reviewing, modifying, or approving such a recommendation, will forward such recommendation to the Governance Committee, with the Board having final approval of such amendments.

3.3 The Director of Human Resources and the duly appointed representative(s) of the Brotherhood shall meet and review those provisions contained in the collective bargaining agreement, which management and labor would recommend be suspended during a Declared State of Emergency.

3.4 The Director of Human Resources and the duly appointed representative(s) of CSEA shall meet and review those provisions contained in the collective bargaining agreement, which management and labor would recommend be suspended during a Declared State of Emergency.

### **Section 4. Accounting and Payroll**

4.1 The Comptroller shall review section 5 of the COVID-19 Declaration, entitled “Timekeeping & Payroll,” and will recommend to the Executive Staff whether the provisions within Section 5 should be incorporated or amended within this Plan.

4.2 The Comptroller shall review section 9 of the COVID-19 Declaration, entitled “Check Processing of Customer Refunds and Accounts Payable,” and will recommend to the Executive Staff whether the provisions within Section 9 should be incorporated or amended within this Plan.

4.3 If the Comptroller recommends sections 5 and 9 of the COVID-19 Declaration should be amended, then the Comptroller will make such changes to an operation plan, described in section 1.3 of this Article in

### **Section 5. Open Meetings**

The Board will endeavor to convene its regularly scheduled meetings and any special meetings, subject to the provisions of the Open Meetings Law, set forth in Article 7 of the Public Officers Law, which are not otherwise suspended in response to a Declared State of Emergency.

### **Section 6. Communication**

6.1 The Plan Coordinator and the CDPP Response Team shall develop a plan to keep employees informed of developments as they occur, including those employees who remain at home.

6.2 The Plan Coordinator will ensure proper signage and markers are placed at all Authority workplaces and worksites.

6.3 The Plan Coordinator and the CDPP Response Team shall develop a plan to keep customers informed about operational changes relating to customer service, billing, emergency repairs and other matters related to, or impacted by, a pandemic.

6.4 The Plan Coordinator and the CDPP Response Team may ask employees to voluntarily provide the Authority with home e-mail addresses and telephone numbers to receive recorded messages.

6.5 The Plan Coordinator shall provide information to be posted on the Authority's website, Facebook, Twitter, and other social media platforms.

6.5.1 Information posted on the website will include:

6.5.1.1 Copies of any Emergency Declarations,

6.5.1.2 List of contractors, consultants, and vendors, providing essential services to the Authority,

6.5.1.3 Employee notices and alerts including a notice as to what services are available to employees from a medical group,

6.5.1.4 Customer alerts, and

6.5.1.5 Links to other relevant communicable disease websites.

### **Section 7. Security**

7.1 In consultation with the Authority's Security Officer, the Plan Coordinator shall communicate to all Authority personnel the following:

7.1.1 The increased likelihood of cyberattacks during a pandemic,

7.1.2 The need to anticipate increased threats to the Authority's network including



- 7.1.2.1 Re-enforcing phishing awareness training,
- 7.1.2.2 Not clicking or opening on suspect or unknown links, and
- 7.1.2.3 Reporting suspicious messages to the Plan Coordinator and the Security Officer.

7.2 The Security Officer has the authority to determine where and when a consultant, contractor, subcontractor, vendor, or visitor may have access to an Authority facility or worksite.

7.3 No contractor, subcontractor, vendor, or visitor will be permitted to enter an Authority facility or worksite without first completing a health screening questionnaire and having been cleared through the health screening system.

7.4 Working with the Security Officer, the Plan Coordinator will obtain the necessary information from all contractors, subcontractors, vendors and visitors requesting access to an Authority worksite and will provide an access code to the web-based health screening portal for each contractor, subcontractor, vendor or visitor.

## ARTICLE VIII HEALTH & SAFETY PLAN

### Section 1.     **Generally**

During a Declared State of Emergency, Authority personnel, Contractors, and Visitors will take all other appropriate precautions necessary to prevent the spread of communicable diseases including, but not limited to, wearing a mask, washing their hands, and maintaining a social distance of six feet or more from other people.

### Section 2.     **Protective Face Masks**

2.1 The Director of Administration will procure and provide all employees with acceptable face coverings at no charge.

- 2.1.1 Face coverings must be cleaned or replaced after use and may not be shared.
- 2.1.2 Although the Authority will not require employees to supply their own face covering, the Authority will allow employees to use their own acceptable face coverings.
- 2.1.3 “Acceptable face covering” means face covering complying with the standards mandated by the New York State Department of Health and the Center for Disease Control (“CDC”) and is content neutral. Content neutral means language that would not create conflicts or controversy within the workplace or undermine public trust or confidence.

- 2.1.4 The Director of Administration will maintain an adequate supply of face coverings, should an employee need a replacement, or should a visitor be in need.
- 2.1.5 The Authority will adhere to OSHA/PESH standards for safety equipment. Appropriate respirators will be provided depending on the level of protection required for specific activities.
- 2.1.6 The Plan Coordinator will train or share information with employees on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

### **Section 3. Physical Distancing in the Workplace or at Worksites**

3.1 During a pandemic, employees performing an essential function are required to keep a distance of at least six feet from other individuals, unless a core activity requires a shorter distance and safety precautions have been implemented to conduct such core activity.

- 3.1.1 Any time individuals must come within six feet of another person, acceptable face coverings must be worn, ensuring that mouth and nose are covered.
- 3.1.2 Employees must be prepared to wear a face covering if another person unexpectedly comes within six feet.

3.2 When necessary, the Authority will modify or reconfigure the use and/or restrict the number of workstations, seating areas, and desks, so that employees are at least six feet apart in all directions (e.g., side-to-side and when facing one another).

- 3.2.1 When distancing is not feasible between workstations, the Authority will:
  - 3.2.1.1 require employees to wear face coverings at all times, or
  - 3.2.1.2 if feasible, provide or install physical barriers that do not affect air flow, heating, cooling, or ventilation, including strip curtains, cubicle walls, plexiglass or similar materials, or other impermeable dividers or partitions.

3.3 Employees will not share workstations without cleaning and disinfection of workstations between use. Each Division, Department, and Unit will describe in detail the protocol for cleaning and disinfecting shared workstations.

3.4 Employees who are assigned to workstations in an open area must adhere to a strict clean-desk policy, requiring all non-essential items to be stored in cabinets or drawers rather than on desks or within a workstation cubicle.

3.5 Employees should not share laptops, notebooks, touchscreens, and writing utensils.

3.6 Employees should perform hand hygiene before and after contact with shared surfaces or shared office equipment, such as filing cabinets, copying machines or scanners.

3.7 Employees who are assigned to offices should adhere to the strict clean-desk policy when their offices will be used for employee meetings.

3.8 Employees will be responsible for regularly cleaning and disinfecting items on their desk or in their offices or workstations.

3.9 Employees will be required to wear face coverings in common areas, hallways, kitchens, bathrooms, storage and supply rooms, and elevators, when entering and exiting any building where the Authority conducts business, or in any public place.

3.10 Employees must avoid crowded, tight spaces such as elevators, storage, file or supply rooms, kitchens, and bathrooms.

3.11 The Plan Coordinator will put in place measures to reduce bi-directional foot traffic using tape or signs with arrows in aisles, hallways, or other appropriate spaces, posting signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g., copy rooms, kitchens, reception desk, restrooms, time clock stations, etc.)

3.12 The Plan Coordinator will post signs throughout Authority offices and treatment plants, consistent with the signage recommended by the New York State Department of Health, to remind individuals to:

3.12.1 Cover their nose and mouth with a mask or cloth face covering when six feet of social distance cannot be maintained,

3.12.2 Properly store and, when necessary, discard personal protective equipment (PPE),

3.12.3 Adhere to physical distancing instructions,

3.12.4 Report symptoms of, or exposure to, a communicable disease, to their supervisor and to the Authority's Director of Human Resources by using the Authority's Employee Health Screening Questionnaire Portal; and

3.12.5 Follow hand hygiene and cleaning and disinfection guidelines.

3.13 The Authority shall limit in-person gatherings (such as meetings and conferences) to the greatest extent possible by using other methods such as video or teleconferencing whenever possible.

3.14 When videoconferencing or teleconferencing is not possible, the Authority shall hold meetings in open, well-ventilated spaces and ensure that individuals maintain six feet of distance in all directions between meeting participants.

3.15 Each worksite will have designated areas for material and supplies to be delivered, and mail and packages to be dropped off or picked up, limiting in-person contact to the extent possible.

3.16 Whenever possible, no more than one person should occupy a vehicle for work purposes.

3.16.1 Such vehicles include vehicles owned and assigned by the Authority and employee-owned vehicles used for work purposes.

3.16.2 Whenever single occupancy of an Authority owned and assigned vehicle is not operationally possible, capacity will be limited to two persons per vehicle with all occupants required to wear protective face coverings.

3.17 Vehicles owned and assigned by the Authority will be cleaned and disinfected by Authority personnel before assigning the vehicle to another employee.

3.18 Employees working in the field will be provided PPE, including N95 respirators and other PPE equipment, used under existing industry standards for such work and as defined in accordance with OSHA guidelines.

#### **Section 4. Hygiene, Cleaning and Disinfection**

4.1 The Authority will adhere to the hygiene, and cleaning and disinfection guidelines established by the New York State Department of Health.

4.2 The Authority and its Contractors will maintain logs that include the date, time, and scope of cleaning and disinfection.

4.3 The Authority prohibits employees from sharing food and beverages or set-up buffet-style food services.

4.3.1 Employees are encouraged to bring lunch from home.

4.3.2 Employees must observe social distancing while eating meals.

4.4 The Authority will provide and maintain hand hygiene stations in the office, as follows:

4.4.1 For handwashing: soap, running warmwater, disposable paper towels, and a lined garbage can.

- 4.4.2 For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
- 4.4.3 Make hand sanitizer available throughout common areas in the office. It should be placed in convenient locations, such as at entrances, exits, and reception desks. Touch-free hand sanitizer dispensers should be installed where possible.
- 4.4.4 Signage will be placed near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- 4.4.5 Place covered-waste receptacles around the building for disposal of soiled items, including protective face covering and gloves.

4.5 The Authority will provide appropriate cleaning/disinfection supplies for shared and frequently touched surfaces and encourage their employees (or cleaning staffs) to use these supplies following manufacturer's instructions for use before and after use of these surfaces, followed by hand hygiene.

4.6 The Authority will require regular cleaning and disinfection of its offices, treatment plants and other Authority facilities with more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces.

- 4.6.1 Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed.
- 4.6.2 The Authority will ensure restrooms and high-touched areas are cleaned and disinfected more frequently, depending on use. High-touched areas include:
  - 4.6.2.1 desk and chairs,
  - 4.6.2.2 counters, tables, and chairs,
  - 4.6.2.3 door handles and push plates,
  - 4.6.2.4 handrails,
  - 4.6.2.5 kitchen and bathroom faucets,
  - 4.6.2.6 appliance surfaces, knobs and handles,
  - 4.6.2.7 light switches; handles on equipment (e.g., carts),
  - 4.6.2.8 remote controls,
  - 4.6.2.9 shared telephones,

- 4.6.2.10 shared computers, keyboards, and mice,
- 4.6.2.11 shared electronics, and
- 4.6.2.12 copying machines.

4.7 The Authority will ensure hard surfaces of materials, supplies, equipment, and tools are regularly cleaned and disinfected as often as employees or visitors change workstations or move to a new set of materials, supplies, equipment, or tools.

4.8 Employees who have been given or assigned their own set of equipment and tools will be responsible for regularly cleaning and disinfecting such equipment or tools.

4.9 The Authority will only use disinfectant products shown to be effective against communicable diseases.

4.10 The Authority will adhere to the following CDC guidelines on “Cleaning and Disinfecting Your Facility” if someone is suspected or confirmed to have a communicable disease.

4.10.1 Close off areas used by the person who is suspected or confirmed to have a communicable disease,

4.10.2 If necessary, close off affected areas,

4.10.3 Shared building spaces used by the person suspected or confirmed to have the communicable disease (e.g. elevators, lobbies, building entrances) must also be shut down or cordoned off, then cleaned and disinfected in a coordinated manner.

4.10.3.1 The Authority will contact Ellicott Development Corporation if a person who has been suspected or confirmed to have a communicable disease has had access to the Ellicott Square Building.

4.10.4 When possible, open outside doors and windows to increase air circulation in the area,

4.10.5 Clean and disinfect all areas used by the person suspected or confirmed to have the communicable disease who is sick, such as offices, bathrooms, common areas, and shared equipment,

4.10.6 Once the area has been appropriately cleaned and disinfected, it can be reopened for use,

4.11 Employees without close contact with the person suspected or confirmed to have

the communicable disease can return to the work area immediately after cleaning and disinfection.

4.11.1 Close contact is defined as being within six feet for at least 10 minutes.

4.12 If more than seven days have passed since the person who is suspected or confirmed to have a communicable disease visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.

## **Section 5. Health Screening and Testing**

5.1 The Executive Staff will designate a Health Safety Monitor who oversees health screening and testing.

5.2 The Health Safety Monitor will be the point of contact for the professional medical group (PMG) providing medical guidance, screening and testing of any employee or Contractor, who has not been cleared to report at an Authority workplace or a worksite due to a communicable disease related issue.

5.2.1 The Health Safety Monitor will ensure that information relating to answers provided on the mandatory health screening questionnaire or other health-related issues is handled in a confidential manner in accordance with applicable law.

5.3 Employees will be subject to a daily health screening prior to entering an Authority workplace or a worksite, as described in paragraph 5.4 of this section.

5.4 Given the size of the Authority's workforce, a simple health screening questionnaire has been developed, accessible to employees and visitors using a smart phone, tablet, or computer.

5.4.1 Employees who do not have access to such devices may use a "proxy" to access the web-based health screening portal.

5.4.2 A proxy may be a family member, friend, co-worker, or supervisor.

5.5 Supervisors will have access to a separate look-up portal and are provided, via email, with reports listing employees who have been cleared or not cleared to work.

5.6 At a minimum, the Authority will screen all employees or visitors by requiring them to complete a questionnaire disclosing whether the employee or visitor has:

5.6.1 knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for the communicable disease or who has or had symptoms of the communicable disease, or

5.6.2 tested positive for the communicable disease in the past 14 days, and/or

5.6.3 has experienced any symptoms of the communicable disease in the past 14 days.

5.7 If an employee or visitor responds in the affirmative to any health screening questions, the web-based health screening program will alert the Health Safety Monitor.

5.7.1 The Health Safety Monitor will contact the employee or visitor to verify the answers given in the questionnaire and if appropriate, provide the employee or visitor with a number to arrange a tele-conference with PMG.

5.7.2 After speaking with the employee or visitor, PMG will send a report to the Health Safety Monitor indicating whether the employee or visitor is cleared or not cleared to report to an Authority worksite.

5.7.3 If employees answer in the affirmative to any screening questions, the health screening portal will instruct these employees not to physically report to work.

5.7.4 Such employees will not return to work until cleared by PMG.

5.7.5 PMG will provide these employees with information on healthcare and testing resources.

5.8 Employees and visitors will be advised, the submission of a health screening questionnaire is considered the filing of an instrument with a public servant or office. They will also be advised as to the legal consequences for filing a false instrument with the Authority.

5.9 To the extent possible, the Authority will maintain a log of every person, including employees and visitors, who may have had close contact with other individuals at a workplace or a worksite.

5.9.1 Log should contain contact information, such that all contacts may be identified, traced, and notified in the event an employee is diagnosed with the communicable disease. The Authority will cooperate with any public health agency responsible for contact tracing.

5.9.2 The Authority, however, will not log deliveries that are performed with appropriate PPE or through contactless means.

5.10 The Authority and its employees will take the following actions related to symptoms and contact:

5.10.1 If an employee has symptoms and *either* tests positive for the communicable disease *or* did not receive a test, the employee may only return to work after completing a 14-day self-quarantine.



- 5.10.2 If an employee does *not* have symptoms *but* tests positive for the communicable disease, the employee may only return to work after completing a 14-day self-quarantine.
- 5.10.3 If an employee has had close contact with a person with the communicable disease for a prolonged period and is symptomatic, the employee should notify the Authority and will remain home and not return to work until completing a 14-day self-quarantine.
- 5.10.4 If an employee has had close contact with a person with the communicable disease for a prolonged period and is *not* symptomatic, the employee must notify a supervisor and the Health Safety Monitor. After consulting with PMG, the Health Safety Monitor has the discretion to direct the employee to remain home for 14 days, or to continue to work while adhering to the following practices and documenting such practices on a daily basis:
  - 5.10.4.1 **Regular monitoring:** If the employee does not have a temperature or symptoms, they should self-monitor under the supervision of the Health Safety Monitor and/or staff designated by the Health Safety Monitor.
  - 5.10.4.2 **Wear a mask:** The employee should always wear a face mask while in the workplace for 14 days after last exposure.
  - 5.10.4.3 **Social distance:** Employee should continue social distancing practices, including maintaining, at least, six feet of distance from others.
  - 5.10.4.4 **Disinfect and clean workspaces:** Continue to clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely.
- 5.10.5 If an employee is symptomatic upon arrival at work or becomes sick during the day, the employee must be separated and sent home immediately, following the above protocol for a positive case.

5.11 If an employee is critical to the Authority’s operation or safety of any worksite, the Health Safety Monitor will consult with the Erie County Department of Health. Applying the most up-to-date health standards, the Erie County Department of Health will determine whether the employee may work with additional precautions to mitigate the risk of transmission.

**ARTICLE IX**  
**COORDINATED PLANNING**

**Section 1. Other Relevant Plans**

## 1.1. Emergency Response Plan

- 1.1.1. As part of its normal operations, the Executive and Senior Staff must regularly perform a Risk Assessment Analysis (“RAA”) and prepare an Emergency Response Plan (“ERP”) based on the findings of the RAA.
- 1.1.2. The Executive and Senior Staff is directed to review this Policy when performing a RAA.
- 1.1.3. The Executive and Senior Staff is directed to review this Policy when preparing an ERP.
- 1.1.4. The Board shall approve the adoption of the RAA and ERP.
- 1.1.5. If any provision within the RAA and ERP conflict with this Policy, the more restrictive and protective provision will apply.

## 1.2. Business Continuity Plan

- 1.2.1. As part of its normal operations, the Executive and Senior Staff must review and revise a Business Continuity Plan (“BCP”).
- 1.2.2. The Executive and Senior Staff is directed to review this Policy when reviewing and preparing a BCP.
- 1.2.3. The Board shall approve the adoption of the BCP.
- 1.2.4. If any provision within the BCP conflict with this Policy, the more restrictive and protective provision will apply.

## 1.3. Space Study

- 1.3.1. The Authority has retained the services of a consulting engineering firm to perform a space study relating to the operations conducted at the Union Road Service Center and the Ellicott Square Building.
- 1.3.2. Once the Space Study has been completed and reviewed by the Executive and Senior Staff, it will be forward to the Board for its approval.
- 1.3.3. Before the Authority approves or finalizes design plans for a new or modified facility, the design team will meet and discuss with the Plan Coordinator and the CDPP Response Team, plans relating but not limited to:
  - 1.3.3.1. office spacing and design,

- 1.3.3.2. HVAC,
- 1.3.3.3. wastewater storage and disposal,
- 1.3.3.4. window design,
- 1.3.3.5. technical or communication plans for remote access and network security, and
- 1.3.3.6. designated workspace for isolating essential workers.

**Section 2. Effective Date**

2.1 Except as otherwise stated in 2.2 of this Article, the Board directs this Policy and any amendment to this Policy shall take effective upon the adoption of a Board resolution.

2.2 The Board further directs the provisions contained in Articles VI and VIII relating to a pandemic workforce plan and health and safety plan shall be implemented by the adoption of a Declaration of Emergency.

**INDEX**

**ARTICLE I POLICY**

- Section 1. Labor Law §27-c (L.2020. c.168)
- Section 2. Adoption of a Communicable Disease Preparedness Plan

**ARTICLE II PURPOSE**

- Section 1. General Purpose
- Section 2. Statutory Requirements

**ARTICLE III DEFINITIONS**

- Section 1. Definitions
- Section 2. Application

**ARTICLE IV PLAN ADMINISTRATION**

- Section 1. Plan Coordinator
- Section 2. CDPP Response Team
- Section 3. Other Key Participants

**ARTICLE V EMPLOYEE HEALTH**

- Section 1. Cold and Influenza Season
- Section 2. Basic Hygiene
- Section 3. Working Remotely
- Section 4. Annual Vaccinations

ARTICLE VI PANDEMIC WORKFORCE PLAN

- Section 1. Essential Function & Personnel
  - Tier 1
  - Tier 2
  - Tier 3

- Section 2. Non-essential Functions & Non-Tier Employees

ARTICLE VII RECOMMENDED POLICY AND OTHER OPERATIONAL CHANGES

- Section 1. By-Laws & Tariff
- Section 2. Procurement Policies and Practices
- Section 3. Employment Policies and Collective Bargaining Agreement
- Section 4. Accounting and Payroll
- Section 5. Open Meetings
- Section 6. Communication
- Section 7. Security

ARTICLE VIII HEALTH & SAFETY

- Section 1. Generally
- Section 2. Protective Face Masks
- Section 3. Physically Distancing in the Workplace or at Worksites
- Section 4. Hygiene, Cleaning and Disinfection
- Section 5. Health Screening and Testing

ARTICLE IX COORDINATED PLANNING

- Section 1. Other Relevant Plans
- Section 2. Effective Date.

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

**Re: PARKING REIMBURSEMENT**

**Policy No. 97**

-----  
**Application: All Employees Assigned to  
the Ellicott Square Office**

**Adopted: 03/24/2022**

**Amended: 10/20/2022**

**09/20/2023**

## **PURPOSE**

To establish guidelines to cover parking reimbursement to all non-represented employees assigned to the Erie County Water Authority's Ellicott Square Office.

## **POLICY**

Effective April 1, 2022, monthly or daily parking expenses incurred on scheduled workdays at a parking facility located within one square mile of the Ellicott Square Building in downtown Buffalo will be eligible for reimbursement of up to \$75/month subject to the provisions in this Policy.

## **PROCEDURE**

### **Section 1 Reimbursement Request Form.**

Reimbursement of monthly parking expenses will require the submission of a parking reimbursement request form. Each request form must be accompanied by documentation that shows the amount paid, date(s) covered for the expense and list the name of the account/tag holder.

### **Section 2 Submission of Request Form and Documentation.**

Employees will submit their monthly parking expense to the payroll department by completing the Parking Reimbursement Request Form and supporting documentation by either bringing down and placing in the bin labeled Parking Reimbursement in the Accounting Department or e-mailing the form and supporting documentation to payroll@ecwa.org. All submissions will be time and date stamped when received by Payroll.

**2.1 Acceptable forms of Supporting Documentation** must include the following:

- Name and location of parking (must be located within one square mile of the Ellicott Square Building)
- Name of account holder, tag holder or payer (must be an ECWA employee)
- Dates covered
- Copy of paid receipts issued by the Parking Facility

### **Section 3 Reimbursement.**

**3.1 Reimbursement.** Reimbursement will be made by payroll once per month in the employee's check.

- Weekly Employees* will be reimbursed on the third payroll of each month. Reimbursement requests must be submitted by Monday at 10 a.m. after the close of the third pay period end. Reimbursement requests received after Monday at 10 a.m. after the close of the third pay period end will be included in the reimbursement of the following month except for December.
- Bi-weekly Employees* will be reimbursed in the second payroll of each month. Reimbursement requests must be submitted by Monday at 10 a.m. after the closed of the second pay period end. Reimbursement requests received after Monday at 10 a.m. after the close of the second pay period end will be included in the reimbursement of the following month except for December.
- Frequency of Reimbursement.* It is not mandatory for employees to submit requests monthly. The employee can choose the frequency of submitting their requests.
- Timeliness of Request.* All requests must be received and reimbursed within the same calendar year. Therefore, expenses incurred from January through December must be submitted no later than the deadlines noted above for December of that same calendar year. No late submissions for the calendar year will be honored or paid.

## **Section 4 Eligible Expenses.**

**4.1 Monthly Parking.** Holders of monthly parking will be reimbursed provided documentation satisfies the above requirements.

**4.2 Daily Parking.** Daily parking receipts will be reimbursed up to the monthly limit provided documentation satisfies the above requirements.

**4.3 Carpool Parking.** Those who participate in a carpool are eligible to be reimbursed provided the payment for the parking is made by the ECWA employee and the documentation provided satisfies the above requirements. If two or more ECWA employees are in a carpool, the monthly reimbursement limit is capped at \$75 per space.

## **Section 5 Ineligible Expenses.**

**5.1 Section 125 Enrollment.** Employees enrolled in the Section 125 parking reimbursement plan *cannot* request reimbursement for the portion of monthly parking that has been reimbursed by the Authority under this policy.

# **TABLE OF CONTENTS**

## **Order**

## **Policy Name**

1.....	Cross Connection Control Policy
2.....	Data Security Policy
3.....	Freedom of Information Law Policy
4.....	Internet Privacy Policy
5.....	Open Meetings Law Policy
6.....	Procurement Disclosure
7.....	Purchasing Guidelines and Procedures



# CROSS CONNECTION CONTROL PROGRAM POLICY

Adopted March, 1990

Revised October, 2006

## I. PURPOSE

- A. To protect the public potable water supply served by the Erie County Water Authority from contamination or pollution which could backflow or back siphon from a customer's internal distribution systems.
- B. To eliminate existing cross connections.

## II. AUTHORITY

- A. The Federal Safe Drinking Water Act of 1974, as amended in 1986, and Part 5 of the New York State Sanitary Code, Subpart 5-1 Public Water Supplies, Section 5-1.31, states that the water supplier has the primary responsibility to protect the public water system by containing potential contamination within the premises of the customer through cross connection control by containment.
- B. The Erie County Water Authority Tariff requires that customers install and maintain backflow prevention devices in the service connection to contain their facility, if required to do so by the Authority.
- C. The New York State Department of Health has delegated approval of cross connection control projects to the Erie County Water Authority for all Water Authority customers.

## III. RESPONSIBILITY

- A. The Erie County Water Authority (Water Authority) will determine the need for backflow prevention for each customer, existing and proposed, on a case by case basis. If an approved backflow device is required at a service connection to a customer's premises, the Water Authority will give notice in writing to said customer that an approved backflow prevention device shall be installed at each service connection to the premises.
- B. The customer shall submit New York State Department of Health Form DOH-347, Application for Approval of Backflow Prevention Devices, an engineering report, drawings and other information as required, for each existing and proposed service connection to the Water Authority for approval.

- C. The New York State Education Law pertaining to Professional Engineers and Land Surveyors, Article 145ff, Section 7200, requires that a project involving the safeguarding of life, health and property must be designed by a Registered Professional Engineer (P.E.) of the State of New York. The design of backflow prevention device installations is such a project. The only exception to the P.E. requirement for design is that an architect licensed in this New York State may design the installation per New York State Department of Health Public Water Supply Guide titled "Cross Connection Control", dated January, 1981, Section 9, Paragraph A.
- D. The customer shall install, maintain and test each backflow prevention device at said customer's own expense.

#### IV. REQUIREMENTS

##### A. ERIE COUNTY WATER AUTHORITY

1. Upon request to the Water Authority for any type or size of water service, the customer will be given information describing the procedures and requirements for approval and installation of backflow prevention devices for containment of the premises.
2. The Water Authority will determine the potential for cross connections and the degree of hazard for any existing or proposed service connection. The customer will be notified in writing of the need to comply with the requirements for installation of the backflow prevention devices. Included with the notification letter will be information describing the requirements for approval and installation of backflow prevention devices for containment of the premises.
3. The installation of backflow prevention devices by large commercial/industrial customers with existing multiple service connections is complex and expensive. Implementation time tables will be established on an individual basis with consideration given to the degree of hazard, time required for design and approval, and budgetary constraints. The time period will be not less than 90 days and not more than 24 months starting with the date of written notification. No extensions of time past 24 months will be granted.
4. If the Water Authority determines at any time that an immediate threat to the public health exists, the water service will be terminated.
5. The Water Authority will meet with customers and perform a physical inspection of the premises as needed.

## B. CUSTOMER

1. The customer shall provide the Water Authority any and all information concerning facilities, process, water usage, existing backflow prevention devices and other information as required by the Water Authority.
2. The customer is responsible for all internal cross connection control.
3. The customer, after receiving written notification from the Water Authority of the need to contain his premises with backflow prevention devices, shall at his expense install, modify, inspect, maintain, replace and test as required, any and all backflow preventers on his premises used to contain the premises. The customer will also be responsible for the installation, testing and maintenance of all internal backflow prevention devices.
4. The customer shall install only those backflow preventers approved by the New York State Department of Health.
5. The customer shall arrange for periodic testing of all backflow prevention devices, to be performed at his expense. All containment backflow prevention devices shall be tested at least annually, or more frequently if required by the Water Authority. All testing shall be performed by New York State certified backflow prevention device testers. Any device which fails a test must be repaired or replaced at the customer's expense. Upon completion of repairs or replacement, the backflow prevention device must be retested by a certified tester to ensure proper operation.
6. The customer shall submit New York State Department of Health Form DOH-1013, Report of Test and Maintenance of Backflow Prevention Device, to the Water Authority within 45 days of the installation of a backflow preventer, and thereafter not exceeding one year from the date of the previous test.
7. The customer shall install backflow preventers only as approved by the Water Authority. No unauthorized modifications to the approved design are allowed. If uninterrupted water service is required, multiple backflow preventers shall be installed to allow for testing and maintenance. The customer shall not install an unprotected bypass around any backflow preventer. The customer shall not modify any backflow preventer in any way without the approval of the Water Authority.
8. The customer shall ensure that all drains and drain ports are clear and operating for all backflow preventers. The customer shall ensure that all backflow preventers have adequate security measures.

V. EXISTING BACKFLOW PREVENTION DEVICES IN SERVICE

- A. Existing backflow preventers will be allowed to continue in service by the Water Authority if the existing backflow prevention device is determined to be adequate and effective protection for the degree of hazard of the premises. All periodic testing and maintenance records of existing backflow prevention devices shall be made available to the Water Authority upon request.

VI. TESTING AND RECORD KEEPING

- A. The Authority will keep and maintain records of installed backflow prevention devices and records of periodic tests. Customer will be notified in writing by the Water Authority when a periodic test is past due. If a customer does not comply within 30 days of the test due date, water service may be terminated.
- B. High hazard situations will not be allowed to continue operating unprotected if the backflow preventer fails the periodic test and cannot be repaired or replaced immediately. Parallel installation of multiple backflow prevention devices is recommended where uninterrupted services is required.
- C. Random testing of backflow prevention devices may be performed by Water Authority certified testers to confirm compliance.

VII. PUBLIC FIRE HYDRANTS

- A. No person, except as specifically authorized by the Water Authority, will be allowed to use any fire hydrant for any use whatsoever other than for fire fighting purposes. The use of public fire hydrants for washing streets, flushing sewers or other municipality needs will be done through a backflow-protected meter assembly issued to the municipality by the Water Authority.

VIII. DEGREE OF HAZARD

- A. Domestic services for one or two family residential dwellings in conformance with the following are considered to be non-hazardous and do not require backflow protection.
  - 1. No connections to an auxiliary water supply such as a well, cistern or spring.
  - 2. No booster pump.
  - 3. No water powered sump pump (ejector or siphon pump).
  - 4. No lawn sprinkler or irrigation systems (except those with vacuum breakers, no pumps and no provisions for chemical injection.)
  - 5. No other potential hazards including, but not limited to, boiler feed corrosion inhibitors, antifreeze loops, and single wall heat exchangers.
  - 6. No commercial or agricultural use.

- B. Private fire protection services in conformance with the following are considered to be aesthetically objectionable and require a double check valve assembly to provide cross connection control by containment.
  - 1. No provision for chemical addition.
  - 2. No private fire hydrants.
  - 3. No connections to a secondary water supply.
  - 4. Not within 1,700 feet of an auxiliary water supply such as a pond, lake, river or creek.
- C. Combination services in conformance with the criteria outlined in A and B above are considered to be aesthetically objectionable and require a double check valve assembly to provide cross connection control by containment. A combination service is one which provides both domestic use and fire protection.
- D. All other types of service connections are considered hazardous and require a reduced pressure zone backflow preventer to provide cross connection control by containment.

#### IX. INSTALLATION OF BACKFLOW PREVENTERS

- A. For all backflow prevention installations:
  - 1. All proposed installations shall be approved by the Water Authority prior to the start of construction.
  - 2. The water meter shall be installed adjacent to and upstream of the backflow preventer. Meters that are larger than 2" must have a by-pass line with valve installed around the meter, but not around the backflow preventer.
  - 3. A shutoff valve shall be installed upstream of the meter.
  - 4. All installations shall comply with the drainage specifications, clearance dimensions and other requirements as determined by the Water Authority.
  - 5. The meter and backflow preventer shall be installed at or as near the right-of-way as possible, not to exceed 150 feet.
- B. Installation in a below grade vault is not allowed. Installation in a vault in a berm is allowed provided that the following conditions are met:
  - 1. The berm/vault shall be located no more than 10 feet from the right-of-way.
  - 2. All drains from the berm/vault shall be gravity drains that discharge to to atmosphere.

3. The drain line shall not exceed 25 feet in total length.
  4. The drain line shall be sized to accommodate the maximum discharge from the backflow preventer.
  5. The exterior end of the drain line shall be equipped with a rodent screen and a flapper.
- C. Installation in a building is allowed provided that all of the following conditions are met:
1. The meter and backflow preventer shall be installed on an exterior wall, at a location closest to the point where the water service enters the building.
  2. Waterlines shall not be installed within the building, under a concrete slab, upstream of the meter and backflow preventer.

#### X. ENFORCEMENT

- A. Failure, refusal or inability on the part of the customer to comply with these requirements will result in denial of new service requests for new customers and termination of service for existing customers.
- B. The decision of the Water Authority regarding the need for backflow prevention is final.
- C. The Water Authority reserves the right to revise these requirements and to allow exceptions on a case by case basis.

#### XI. REFERENCES

- A. United States Environmental Protection Agency.
- B. New York State Sanitary Code.
- C. New York State Department of Health Public Water Supply Guide, "Cross Connection Control".
- D. NYSDOH "Guidelines for Designing Backflow Prevention Assembly Installations", Supplement to 1981 Cross Connection Control Manual, January, 1992.
- E. Erie County Water Authority Tariff.
- F. Erie County Water Authority Standard Specifications and Details
- G. American Water Works Association Manual M14, "Recommended Practice for Backflow Prevention and Cross Connection Control", Third Edition.



# ERIE COUNTY WATER AUTHORITY

## Policy & Procedures for Data Security

### Section 1: Purpose

The Erie County Water Authority (the “Authority”) seeks to develop, implement, and maintain reasonable safeguards to protect the security, confidentiality, and integrity of the private information it collects from employees, customers and vendor and to establish a notification protocol in the event of a data breach.

### Section 2: Definitions.

(a) The “Authority” means the Erie County Water Authority, a body corporate and politic constituting a public benefit corporation of the State of New York, whose formation and powers are set forth in Public Authorities Law §§ 1050-1073.

(b) “Personal Information” means any information concerning a natural person which because of name, number, personal mark or other identifier can be used to identify such natural person.

(c) “Private Information” is means Personal Information pertaining to residents of New York State in combination with a:

- i. Social Security Number;
- ii. Drivers’ license number or non-driver identification card number;
- iii. Account number, credit or debit card number, in combination with any required security code, access code or password or other information that would permit access to an individual’s financial account;
- iv. Account number, credit or debit card number, if circumstances exist wherein such number could be used to access an individual’s financial account without additional identifying information, security code, access code or password;
- v. Biometric information, meaning data generated by electronic measurements of an individual’s unique physical characteristics, such as fingerprint, voice print, retina or iris image, or other unique physical representation or digital representation of biometric data which are used to authenticate or ascertain the individual’s identity; or

- vi. A username or e-mail address in combination with a password or security question and answer that would permit access to an online account.

(d) “Retention Schedule” means the Authority’s Office Records Retention Schedule, as amended on February 13, 2013.

(e) “Record’s Management Officer” means the Secretary to the Authority.

(f) “Division Heads” mean the Secretary to the Authority, the Authority’s Chief Operating Officer, its Chief Financial Officer, and its General Counsel.

(g) “Department Heads” mean the Authority’s Division Heads, the Authority’s Director of Administration, its Comptroller, its Executive Engineer, and its Director of Water Quality.

### **Section 3: Collection of Private Information.**

It is the policy of the Authority to collect Private Information for legitimate business purposes only and to ensure that collected information is safely destroyed when no longer needed or at the end of its retention period as outlined in the Retention Schedule.

The Record’s Management Officer assisted by the Authority’s Security Officer and Information Technology Department are primarily responsible for managing data security and retention. Division and Department heads are responsible for identifying Private Information collected and stored by its units, managing access, and guarding against unauthorized access to information.

### **Section 4: Safeguarding Data.**

The Authority is obligated under Section 1125 of the New York State Public Health Law and America’s Water Infrastructure Act of 2018 to periodically assess the vulnerability, risk and resiliency of its cybersecurity system. The intention of both Acts is to assess safeguards in the Authority’s information technology infrastructure system and control risk from both external and internal security threats.

The Authority requires contractors, when appropriate, to acknowledge its compliance with all applicable data security and protection legislation and to carry an adequate amount of cybersecurity insurance.

The Authority has designated the Authority’s Security Officer to annually review internal and external data security risks. Following this annual review, the



Authority has designated its General Counsel to review this Policy & Procedures for Data Security and update or revise this Policy as the circumstances dictate.

The Authority has designated the Director of Administration and the Comptroller to ensure all service providers handling Personal Information or Private Information have adequate security program practices and procedures. The Chief Financial Officer shall maintain an inventory of service providers who handle Personal Information or Private Information.

It is the policy of the Authority to ensure all new employees receive data security training, including a review of this policy. Periodic training for existing employees will be conducted by the Human Resources Department.

### **Section 5: Notification in the Event of a Data Breach**

The Authority carries a substantial cyber insurance policy which, in the event Private Information is compromised, includes coverage for notification to impacted individuals; credit monitoring, credit freezing, and credit thawing; social media monitoring; password management services, and fraud alert services.

The Authority has designated that the Authority's Claims Representative/Risk Manager shall notify the Authority's insurance carrier in the event that Private Information has been compromised.

It is the policy of the Authority to assess any suspected data breach to determine whether Private information is in the possession of an unauthorized person, as well as whether it has been downloaded, copied or used by an unauthorized person. If a breach is confirmed, the Authority will comply with all applicable laws and regulations governing data security including notifying, if warranted, the affected individuals, the New York State Attorney General; the New York Department of State; the New York State Police; and Consumer Reporting Agencies. The assessment of any suspected data breach and determination of notification of same shall be made by the Authority's General Counsel.



# ERIE COUNTY WATER AUTHORITY

## Freedom of Information Law

### Policy & Procedures for Accessing Public Records

#### Section 1: Public Declaration

The Erie County Water Authority (the “Authority”) is responsible for the treatment and distribution of 25 billion gallons of safe, clean, potable water annually to residential, commercial, and industrial customers in 36 municipalities located within Erie County and parts of Chautauqua, Cattaraugus, western Wyoming, and western Genesee counties, as well as the territories of the Seneca Nation of Indians. The Authority pledges to the public and its customers to operate in an open and transparent manner, ensuring that its policies, practices, procedures, and actions are available for public inspection and scrutiny.

The Authority adopts as its Policy the terms and requirements of the New York State Freedom of Information Law (“FOIL” Law) as set forth in Article 6 of the Public Officers Law, as amended from time to time.

These procedures are adopted to allow the public, individually and collectively as represented by a free press, to have access to the public records of the Authority, in accordance with the provisions of Article 6 of the Public Officers Law.

#### Section 2: Definition.

- (a) The “Authority” means the Erie County Water Authority, a body corporate and politic constituting a public benefit corporation of the State of New York, whose formation and powers are set forth in Public Authorities Law §§ 1050-1073.
- (b) The “Board” means the Authority’s Board of Commissioners.
- (c) “Business days” excludes weekends and legal holidays.
- (d) “Confidential or privileged information” means information described in Public Officer Laws § 87(2), which may be withheld from being publicly disclosed by the Authority.
- (e) “ECWA Website” means the website controlled and maintained by the Authority at <https://www.ecwa.org/>

- (f) “FOIL” means the Freedom of Information Law, set forth in §§ 84-90, Article 6, of the Public Officers Law.
- (g) “FOIL Officer” means the Secretary or a person designated by the Secretary.
- (h) “FOIL Request” means a request in writing (either letter or e-mail) by a member of the public or the media seeking access to public records pursuant to these procedures and Article 6 of the Public Officers Law.
- (i) “Office of the Secretary” means the office or department under the direction and control of the Secretary.
- (j) “Secretary” means the Secretary of the Authority. For purposes of these procedures, the term “Secretary” also includes any person designated by the Secretary to assist in responding to a FOIL request.
- (k) “Records” mean any information regardless of its physical form or characteristics, including information created, stored and retrievable by electronic means or that are kept, held, filed, produced or reproduced by the Authority in any physical form, including information maintained for the Authority by an entity under contract for records management purposes. It does not include records that are not already in existence and that would have to be created specifically to respond to a FOIL request.
- (l) “Written acknowledgement” means any correspondence acknowledging such receipt of a FOIL request sent by the Secretary within five days of such receipt.

### **Section 3: Purpose and Scope.**

These procedures govern access to the Authority’s public records and implement and supplement the Freedom of Information Law contained in Article 6 of the Public Officers Law. These procedures should be read together with Article 6 of the Public Officers Law, which provides additional information about access to records and contains the specific exemptions that are applicable to withholding records. Any conflict among laws governing the access to public records will be construed in favor of the broader access to such records.

### **Section 4: Office of the Secretary.**

- (a) The Authority designates and charges the Office of the Secretary with the

duties and responsibilities for insuring compliance with the procedures and laws governing access to public records.

- (b) The Office of the Secretary will ensure that the Authority timely responds to all FOIL requests.
- (c) The Office of the Secretary will insure Authority personnel maintains a reasonably detailed current list by subject matter of all records in the possession of the Authority, updated annually with the date of the most recent update conspicuously marked in the footer of each page of the list. This list will be posted and updated on the ECWA Website.
- (d) The Secretary will immediately report and provide a copy of the FOIL request to the Board at its next regularly scheduled meeting. The Office of the Secretary will also post all FOIL requests on the ECWA Website, as part of the Board's agenda as a communication item.
- (e) The Office of the Secretary may contact the person(s) seeking records that are voluminous, poorly or broadly described, or requiring substantial effort on the part of Authority personnel to locate such records so that the Authority may ascertain the nature of the records of primary interest and attempt to reasonably reduce the volume of records requested.

### **Section 5: Public Inspection.**

Public records, upon request, are available for public inspection and review at no cost at the Authority's administrative offices located at the Ellicott Square Building, 295 Main Street, Room 350, Buffalo, New York during the normal business hours. Normal business hours, excluding legal holidays and weekends, are between 9:00 a.m. and 5:00 p.m. Monday through Friday.

### **Section 6: Public Information on ECWA Website.**

On the ECWA Website, the public has access to the following public records:

- (1) [The Authority's Enabling Statute;](#)
- (2) [The Authority's By-Laws](#)
- (3) [ECWA Tariff;](#)
- (4) [The Duties and Responsibilities of the ECWA Board Members;](#)
- (5) [The Code of Ethics](#)

- (6) [Employment Opportunity Posting Policy](#);
- (7) [Whistleblower Protection Policy](#)
- (8) [Board Meeting Schedule](#)
- (9) [Board and Committee Minutes](#)
- (10) [Agenda, Resolutions and Board Packets](#) for all Board and Committee meeting since April 19, 2018;
- (11) [Audio](#) access to all board and committee meetings since May 17, 2018;
- (12) Annual [Water Quality Reports](#) since 2001;
- (13) The Annual Investments Reports, including [Audit Investments](#) and [Annual Investment Fees](#) from 2016 to the present, as well as the current [Investment Guidelines](#);
- (14) [The Comprehensive Annual Financial Report \(CAFR\)](#) from 2000 to the present;
- (15) [The Audited Financial Statements](#) from 2016 to the present;
- (16) The Authority [Mission Statement](#) and [Annual Performance Measures](#);
- (17) The Authority [Annual Budget](#) from 2017 to the present;
- (18) The Authority Bond Rating in [2016](#) and 2018;
- (19) [Management Assessment of Internal Controls](#) filed in 2016 to the present;
- (20) Annual [Operation Accomplishments](#) listed by Department since 2016;
- (21) The [Paris Reports](#), containing its [annual reports](#), its [budget reports](#), its [procurement report](#) and [staff compensation](#);
- (22) [Annual Financial Reporting Requirements](#);
- (23) [The Purchasing Guidelines and Procedures](#);
- (24) [Projects subject to the State Environmental Quality Review Act](#);

- (25) [News Release and Public Statement](#)
- (26) [Media Guidelines](#) and [Media Policy](#)
- (27) [The Authority's FOIL Procedures](#) and [FOIL Officer](#);

## **Section 7: FOIL Requests**

All requests shall be in writing and directed to the Secretary of the Authority, Erie County Water Authority, 295 Main Street, Room 350, New York 14203, or by email to [foil@ecwa.org](mailto:foil@ecwa.org).

All written requests mailed or delivered to the Room 350 shall be time-stamped upon receipt, and a copy of the written request shall be scanned and emailed to [foil@ecwa.org](mailto:foil@ecwa.org), to create a secondary means of recording all FOIL requests. All FOIL requests must reasonably describe the record(s) sought for public disclosure, including the time period in which the record is being sought. All FOIL requests must also include the requestor's full name together with complete mailing address and contact information (email and/or telephone number).

## **Section 8: Request for Confidential or Privileged Information.**

Once the Secretary has determined the records sought may be confidential or privileged information, the Secretary shall forward the FOIL request to the Authority's Legal Department. The Legal Department will prepare a privilege log, describing the record, the nature of the privilege, and the statutory section authorizing withholding this record from public disclosure. The Legal Department may also recommend to the Board whether it should publicly disclose any of the requested confidential or privileged records.

The Secretary shall advise the person requesting confidential or privileged records that only the Board has the power to disclose for public inspection and review confidential or privileged records. Whenever practical or feasible, after the Legal Department has reviewed these confidential or privileged records and has prepared a privilege log, the Board may examine these confidential or privileged records, and based on its sound discretion, disclose in whole or in part such records.

## **Section 9: Fees.**

- (a) If the person making a FOIL request desires copies of records, any fees or charges shall be applied in accordance with Public Officers Law §

87(1). Advance payment is required before records will be copied or released. Check or money orders should be made payable to the "Erie County Water Authority."

- (b) Pages up to 9 inches by 14 inches are \$0.25 per page, or the actual cost of reproducing any other record.
- (c) The fees for reproducing a record may include the actual cost of the storage device or media, actual cost for engaging outside professional service to retrieve and produce the record, or the actual cost to the Authority based on the time spent by an Authority employee calculated by the hourly salary attributed to the lowest paid Authority employee who have the necessary skill required to retrieve and reproduce the requested record(s).
- (d) The Secretary, upon request, has the authority to waive any fees for FOIL requests requiring minimum effort retrieve and/or copy.

**Section 10: Secretary's Response to FOIL Requests.**

- (a) The Secretary shall respond, within five business days of the receipt of a written FOIL request, by:
  - (1) Informing the person making the FOIL request that the request or a portion of the request does not reasonably describe the records sought, and providing the individual with a current, detailed list by subject matter of all records in the possession of the Authority;
  - (2) Granting or denying access to records in whole or in part;  
or
  - (3) Acknowledging in writing receipt of the FOIL request, including the approximate date when the Authority will respond to such request.
- (b) When the Secretary decides to grant the FOIL request in whole or in part, and if circumstances prevent disclosure of such record(s) within 20 business days from the date of the written acknowledgement, the Secretary shall state, in writing, both the reason for the inability to grant the request within 20 business days and a date certain when the request will be granted in whole or in part.
- (c) A failure to comply with the time limitations described in these

procedures shall constitute a denial of the FOIL request that may be appealed to the Board.

- (d) When the Secretary decides to deny a FOIL request in whole or in part, the Secretary shall send the person making the request a written statement as to the reasons why the request was denied in whole or in part and advising the person of the right to appeal the denial to the Board.

## **Section 11: Appeals**

- (a) Any denial, in whole or in part, of a request for records may be administratively appealed to the Board. This appeal right includes the right to appeal a request for which no timely response has been made, and from a response indicating no responsive records existed within the Authority's files, including its electronic files.
- (b) An appeal must be in writing and must be received by the Authority within 30 days after the date of the denial. All appeals should be addressed, and mailed or emailed to:

Board of Commissioners  
Erie County Water Authority  
295 Main Street, Room 350  
Buffalo, New York 142023  
Email: [foil@ecwa.org](mailto:foil@ecwa.org)

- (c) The Board shall inform the appellant and the Committee on Open Government of its determination in writing within 10 business days of the receipt of the written appeal. The failure to timely determine the appeal within 10 business days shall constitute a denial of the appeal, subject to judicial review pursuant to Article 78 of the Civil Practice Law and Rules.
- (d) After an appeal has been filed, the Secretary shall immediately transit to the Committee on Open Government copies of all papers submitted to the Board in the appeal. Copies of such papers shall be addressed to:

Committee on Open Government  
Department of State  
One Commerce Plaza  
99 Washington Avenue, Suite 650



- (e) An appeal to the Board is considered a quasi-judicial proceeding pursuant Public Officers Law § 108 (1) and is not subject to the provisions of the Open Meetings Law.

**Section 12: Duty of the Authority Members, Officers and Personnel to Identify and Preserve Public Documents.**

[RESERVED]

**Section 13: FOIL Audit**

The Board may direct the Legal Department to conduct a compliance audit of all FOIL files and report its findings to the Authority's Governance Committee.

Adopted on September 20, 2018.

Revised on September 5, 2019

# Erie County Water Authority

## Privacy Policy

Revised and Amended March 26, 2019

### Overview

Welcome to the website of the Erie County Water Authority (the “ECWA”). This website (the “Site”) is designed to make it easier and more efficient for our customers and visitors to learn about ECWA and to interact with us.

ECWA recognizes that you are concerned about your privacy. The ECWA is committed to protecting your privacy when you access our Site and the online services we offer. Consistent with the provisions of the Internet Security and Privacy Act, the Freedom of Information Law, and the Personal Privacy Protection Law, this Privacy Policy is designed to help you understand, among other things:

- (i) The types of information we collect from you when you use the **ECWA’s** Site, [ecwa.org](https://ecwa.org) (<https://ecwa.org>);
- (ii) How we use the information we collect through the Site; and
- (iii) With whom and why we share it.

By accessing and continuing to use the Site, you accept the Privacy Policy in its entirety and without modification and consent to our collection, use and sharing of the information as described herein, including information collected before the Revised and Amended date noted above. If you do not agree with this Privacy Policy, please do not use this Site.

### Personal Information

For purposes of this policy, "personal information" means any information concerning a natural person which, because of name, number, symbol, mark, or other identifier, can be used to identify that natural person. The ECWA will only collect personal information about you when you provide that information voluntarily by sending an email, or by initiating an online transaction, such as

responding to a survey, account registration, signing up for the ECWA Alert System, or completing a payment/order form.

You may choose to submit Personal Information in a registration form or by paying for services on this Site. Personal financial information will be submitted via a secure socket layer and held only by our contractors, Paymentus and Key Bank. In some, but not all instances, personal financial information is protected from disclosure by law. If it is not protected, then it may be inspected by the public or disclosed in a legal proceeding.

Your choice to not participate in these activities will not impair your ability to access certain information; however it may impair your ability to use some of the services offered on this Site. It shall not prevent you from requesting services or products from the ECWA by other means and will not normally have an impact on your ability to take advantage of other features of the Site, including browsing or downloading most publicly available information.

## **What Information Do We Collect?**

ECWA collects information in two ways:

- (i) Directly from you when you provide it to us by using this Site; and
- (ii) Automatically through the use of technology as you navigate and use the Site.

## **Information You Provide Us**

ECWA collects a variety of information that you provide to us when accessing and using the Site. Such information may include your name, account number, email address, phone number, and address and payment information. For example, to enable you to make a payment or register for automatic payments, you may provide us with your name, address, phone number, ECWA account number, email address, bank name, bank account and routing numbers.

## **Information Collected Automatically When You Visit the Site**

When visiting this Site, ECWA automatically collects and stores certain information about your visit. The information we collect in this manner may include:

- (i) The Internet Protocol Address and domain name of your internet service provider. The Internet Protocol Address is a numerical identifier assigned either to

your internet service provider or directly to your computer, which can be used to direct internet traffic to you;

- (ii) The type of browser and operating system used;
- (iii) The date and time you visited the site;
- (iv) The web pages or services you accessed at the site;
- (v) Session ID; and
- (vi) If you downloaded a form, the form that was downloaded.

None of the foregoing information collected in this paragraph is deemed to constitute personal information.

## **Cookies**

Cookies are simple text files stored on your web browser to provide a means of distinguishing among users of this Site. The use of cookies is a standard practice among Internet websites. In order to better serve you, the ECWA uses cookies to enhance or customize your visit to the Site. The ECWA may use the cookie feature to store a randomly generated identifying tag on the device you use to access the Site. A “persistent cookie” enables the site to recognize you when you return to the Site. They will only be used if you interact with the Site by closing the alerts. The cookie expires seven (7) days from the last dismissed alert. These cookies do not contain personal information and do not compromise your privacy or security. Cookies can be erased during operation of your browser or when your browser is closed at your discretion.

Refusing or deleting these cookies can limit your ability to take advantage of some features of the Site.

## **How Do We Use the Information We Collect?**

ECWA uses the information you provide us through the Site, including any personal information, in several different ways including:

- i. Responding to and communicating with you about your questions and comments;

- ii. Providing you with services you are requesting, including, facilitating payments, signing you up for the ECWA Alert System and managing your account;
- iii. Operating, evaluating and improving our Site's content and services;
- iv. Performing data analyses to help ECWA understand how you are interacting with the website;
- v. Any other purpose disclosed by us when you provide the information; and
- vi. Any other business purposes.

### **Information Collected When You Email the Site or Initiate an Online Transaction Through This Site**

If you send an email to ECWA, your email address and the contents of your email will be collected. The information collected is not limited to text characters and may include audio, video, and graphic information formats included in the message. Your email address and the information included your message will be used to respond to you, to address issues you identify, to improve the website, or to forward your message for appropriate action. Your email address shall not be collected for commercial purposes and the ECWA is not authorized to sell or otherwise disclose your email address for commercial purposes.

During your visit to the Site you may initiate a transaction such as a survey, account registration, signing up for alerts, or initiating an order/payment form. The information, including personal information, volunteered by you in initiating the transaction is used by the ECWA to operate ECWA programs. The information collected by the ECWA may be disclosed by the ECWA for those purposes that may be reasonably ascertained from the nature and terms of the transaction in connection with which the information was submitted.

During your visit to the Site you may provide your cell or home phone number to receive SMS messages, text messages, or telephone calls from the ECWA. This information, volunteered by you in initialing the transaction will only be used to operate ECWA programs, which include the provision of goods, services, and information such as alerts. By providing your cell or home phone number, you provide your express written consent to the ECWA for use of your cell phone

number for those purposes that may be reasonably ascertained from the nature and terms of the transaction in connection with which the information was submitted.

## **Children's Privacy**

This Site is not intended for children. The ECWA does not knowingly collect personal information or create profiles of children. If we become aware that a child has submitted personal information or is attempting to do so, we will delete any such personal information from our records.

Subject to the provisions above, the collection of personal information submitted in an email or through an online transaction will be treated as though it was submitted by an adult, and may, unless exempted from access by federal or State law, be subject to public access.

## **Disclosing Your Information**

Employees of the ECWA are prohibited from disclosing any information you provide, except as provided or required by court order or other law (for example, the Freedom of Information Law, which requires the ECWA to make certain information available to the public upon request). We use information you provide, such as your email address or cell phone number, only to send you information you have requested. We will use information you provide us in connection with an online application to process your request. The ECWA does not sell, rent, loan, trade or lease email addresses or other personal information collected on our Site. However, the ECWA may collect or disclose personal information without your consent if the collection or disclosure is:

- i. Necessary to perform the statutory duties of the ECWA;
- ii. Made pursuant to a court order or by law;
- iii. For the purpose of validating your identity; or
- iv. If information is used solely for statistical purposes and is in a form that cannot be used to identify any particular person.

Further, the disclosure of information, including personal information, collected through the Site is subject to the provisions of the Freedom of Information Law and the Personal Privacy Protection Law.

The ECWA may disclose personal information to federal or state law enforcement authorities to enforce the ECWA's rights against unauthorized access or attempted unauthorized access to the ECWA's information technology assets or against other inappropriate use of the Site.

The ECWA shall not disclose to the public or otherwise make available to the public in any manner an individual's social security account number or confidential account information unless compelled by law.

### **How Long Do We Keep Your Personal Information?**

The information collected through the Site, including emails, is to be retained by the ECWA for as long as it is needed for business or legal purposes. After that, we destroy it by making it unreadable or undecipherable.

### **Access to and Correction of Personal Information Collected Through This Site**

You may submit a request pursuant to the Personal Privacy Protection Law, to the ECWA's Information Officer, to determine whether personal information pertaining to you has been collected through the Site. Any such request shall be made in writing to the Information Officer at the address listed in the Contact Section of this Privacy Policy and must be accompanied by reasonable proof of your identity. Reasonable proof of identity may include verification of a signature, inclusion of an identifier generally known only to you, or similar appropriate identification.

In the event that the ECWA has collected personal information pertaining to you through its Site and that information is to be provided to you pursuant to your request, the Information Officer shall inform you of your right to request that the personal information be amended or corrected under the procedures set forth in the Personal Privacy Protection Law.

### **Information Security**

The ECWA has implemented procedures to safeguard the integrity of its information technology assets, including, but not limited to restricted employee access, firewalls, password protection, monitoring of the system and Site for unauthorized accesses, auditing of the system, and encryption of sensitive files that

are sent or received. These security procedures have been integrated into the design, implementation, and day-to-day operations of the Site for the continued security of electronic content as well as the electronic transmission of information.

However, the transmission of information via the internet and any system of safeguards is never completely secure. We cannot guarantee the security of your information transmitted to our Site and any transmission of information is at your

own risk. We are not responsible for circumvention of any privacy settings or security measures contained on our Site.

### **Third Party Services**

Some third-party services ECWA uses, such as Google Analytics, may place their own cookies in your browser. Google Analytics is a web analysis service provided by Google Inc. (“Google”). Google utilizes the data collected to track and examine the use of the site, to prepare reports on its activities, and share them with other Google services. Google may use the data collected to contextualize and personalize the ads of its own advertising network.

Please see <http://www.google.com/policies/privacy/partners> for information about how Google may use your information and how you may be able to control the information sent to Google.

This Privacy Policy covers only our use of cookies, and other similar technology, and not the use of such technology by third parties.

### **Third-Party Links Disclaimer**

ECWA may provide links to third-party websites that we do not own or control. We are not responsible for the information collection practices of any website that we do not own or control. When you click on the links to third party websites you are leaving the ECWA Site and accessing these third party websites at your own risk. ECWA does not monitor or control the content of any websites linked to our Site and, therefore, we are not responsible for the products, services or content of any website linked to our Site or the terms of use or privacy practices employed by those other websites. We encourage you to review and understand the privacy practices of third-party websites before providing any information to or through them.

### **Changes in Privacy Notice**



From time to time we may update this Privacy Policy. You should visit this page periodically to review any such changes to the Privacy Policy. Providing information to us after implementation of our new policy, and/or your continued use of the Site will be deemed your agreement that your information may be used in accordance with the new policy. If you do not agree with the changes, then you should not provide additional information to us, stop using the Site and you should notify us that you do not want your information used in accordance with the changes.

## **Contact**

If you have questions or comments regarding this policy and/or inquiries regarding access to and correction of Personal Information collected through the Site, you can contact us by phone (716)849-8444, or by mail to Secretary to the Authority/Information Officer Erie County Water Authority, 295 Main Street, Room 350, Buffalo, New York 14203, or by email, [privacy@ecwa.org](mailto:privacy@ecwa.org)



# ERIE COUNTY WATER AUTHORITY

## Open Meetings Law

### Policy & Procedures for Accessing Public Meetings

#### Section 1: Public Declaration

The Erie County Water Authority (the “Authority”) pledges to the public and its customers to operate in an open and transparent manner, by inviting the public and the media to attend and listen to the deliberations, discussions, and decisions of its Board of Commissioners.

The Authority’s board and committee meetings are the public setting in which Commissioners exercise their duties. It is during these meetings that the public can best observe the Commissioners’ performance of their governance responsibilities, their exercise of management oversight, and their decision-making regarding the Authority’s finances and operations. The better informed, engaged and mission-oriented the Commissioners are, the more likely the Authority will operate consistent with its stated purpose, policies and legal obligations.

These procedures are adopted to allow the public, individually and collectively as represented by a free press, to have access to the public records and meetings of the Authority, in accordance with the provisions of Article 7 of the Public Officers Law.

#### Section 2: Definition.

(a) The “Authority” means the Erie County Water Authority, a body corporate and politic constituting a public benefit corporation of the State of New York, whose formation and powers are set forth in Public Authorities Law §§ 1050-1073.

(b) The “Blue Sheet” means the Erie County Water Authority Authorization Form for Approval/Execution of Documents, commonly referenced as the “Blue Sheet.”

(c) The “Board” means the Authority’s Board of Commissioners.

(d) “Board Room” means the room designated for board and committee meetings at the Ellicott Square Building, 295 Main Street, Room 350, located in the City of Buffalo.

(e) “Chair” means the Chair of the Board of Commissioners and its Committees.

(f) “Committees” include the Audit Committee, the Ethics Committee, Finance Committee, Governance Committee and such other committee(s) as created and appointed by the Board.

(g) “ECWA Website” means the website controlled and maintained by the Authority at <https://ecwa.org/>

(h) “Executive Session” means that portion of a meeting not open to the public and authorized by a majority vote of the Board or Committee pursuant to a motion identifying one of the enumerated purposes set forth in Public Officers Law § 105.

(i) “Meeting” means the official convening of the Board or its Committees for the purpose of conducting public business.

(j) “Secretary” means the Secretary of the Authority.

(k) “Special Meeting” means a meeting called pursuant to Article III, § 3 of the Authority’s By-Laws.

### **Section 3: Purpose and Scope.**

These procedures govern access to the public records and meetings of the Authority, in accordance with the provisions of Article 7 of the Public Officers Law. These procedures should be read together with Article 7 of the Public Officers Law, which provides additional information about access to records and meetings and when a meeting may be closed to the public and held in executive session. Any conflict governing the access to meetings and records will be construed in favor of the broader access to such meetings and records.

### **Section 4: Open Meeting**

(a) Every Meeting of the Board or its Committees shall be open to the public and media, except those portions of a Meeting lawfully convened in Executive Session, pursuant to Public Officers Law § 105.

(b) Meetings of the Board and its Committees will be held in the Board Room. The Board is also authorized to conduct Meetings at an appropriate facility, adequate to accommodate the members of the public and media and which permits barrier-free physical access to the physically handicapped.

(c) Consistent with the opinions of the Committee on Open Government, Commissioners may, from time-to-time, appear at such Meetings through audio or video-conferencing. No Commissioner may participate in any audio or video

transmission unless the public and media are able to hear or observe the transmission. A Commissioner, whose appearance is made through audio or video-conferencing, may be noted in the minutes as being present for purposes of a quorum and voting, only if the public and media are able to hear such Commissioner whose appearance is made by an audio or video transmission.

## **Section 5: Meeting Notices**

(a) A public notice will be prepared for each Board and Committee Meeting. The notice shall contain the date, time and location of the Meeting, as well as the name of a contact person to whom questions may be directed about the Meeting.

(b) Notices shall be electronically sent to the following media outlet at least one week prior to the Meeting:

[news@wkbw.com](mailto:news@wkbw.com) (WKBW)  
[newsroom@wivb.com](mailto:newsroom@wivb.com) (WIVB)  
[wgrz-newsroom@wgrz.com](mailto:wgrz-newsroom@wgrz.com) (WGRZ)  
[citydesk@buffnews.com](mailto:citydesk@buffnews.com) (Buffalo News)  
[buffalo-news@charter.com](mailto:buffalo-news@charter.com) (Spectrum News)

FAX: 716-832-3080 (WBEN)  
FAX: 716-845-7036 (WNED/WBFO)

The Secretary has the discretion to add the email addresses of specific reporters who regularly attend or cover the business of the Authority.

(c) Notices shall also be conspicuously posted near the public entrances to Room 350 at the Ellicott Square Building and the Union Road Service Center, 3030 Union Road, Cheektowaga, New York.

(d) Except for Special Meetings, all notices should be electronically sent and conspicuously posted one-week prior to the meeting.

(e) Individuals who wish to receive [email notices of all Board and Committee Meetings and postings](#) may sign up on the ECWA Website. Notices will be electronically sent to these individuals at least 72-hours prior to the Meeting.

(f) The [ECWA Website Homepage](#) will also post the date and time of the next scheduled Board and/or Committee Meeting(s).

(g) Notices of Special Meetings shall be electronically sent and conspicuously posted immediately.

(h) Once Board and Committee Meetings are streamed live over the Internet, the notice shall inform the public of the Internet address of the website streaming such Meeting.

(i) The EWCA Website should also post a [Schedule of Upcoming Board and Committee Meetings](#).

## **Section 6: Agenda and Meeting Materials**

(a) The agenda is a key document for every Meeting since it identifies the matters and issues that are before the Board or Committee for review, discussion or action. Common items to include in the agenda are the roll call, reading and approval of the minutes from the previous meeting, reports, communication and bills, public expression, unfinished business and new business (including resolutions presented for approval) and adjournment.

(b) Any item to be placed on the agenda for a Board or Committee Meeting must be given to the Secretary by Noon six business days before the Meeting.

(c) Items to be submitted may include the following: management and committee reports, communications and bills, resolutions with associated documentation, and any other business requiring Board approval or a Committee recommendation. If such items are placed on the Board or Committee agenda, such agenda items will be distributed to the Board and/or Committee members at least one week prior to the meeting. Board and Committee materials will also be posted on the ECWA Website five business days before the Meeting.

(d) All resolutions require a Blue Sheet. When an item requires a Blue Sheet to be signed by the Secretary, it must contain all the required signatures and must be submitted to the Secretary by Noon, six business days before the Meeting. If the Blue Sheet is not received by Noon, the item will be held for the next Meeting.

(e) Pursuant to Article V, § 2 of the By-Laws, the Chair shall review and approved the agenda prepared by the Secretary, and when necessary, may adjust the number of items on the agenda so the Meeting can be conducted within a time frame conducive to the schedule of each Commissioner..

## **Section 7: Meeting Minutes**

(a) Minutes are the official record of a Board or Committee Meeting. They contain information about all the action taken during a Board or Committee Meeting, and can be considered legal evidence of the facts they report. For this reason, it is important that the minutes be recorded in a way that clearly and accurately reflects all the business transacted during a Meeting.

- (b) Meeting minutes should contain the following information:
- i. the Authority's name and the meeting type (i.e. annual, regular, or special board meeting or meeting of a specific committee);
  - ii. the date and time of the meeting;
  - iii. Members in attendance, excused or absent (including departures and reentries into a meeting);
  - iv. Staff and guests in attendance;
  - v. Existence of a quorum;
  - vi. Motions made and seconded and by whom;
  - vii. Brief objective account of any debate;
  - viii. Existence of conflicts of interest and how they were resolved;
  - ix. Voting results with names of abstainers and dissenters;
  - x. Resolutions adopted;
  - xi. Future action steps;
  - xii. Time meeting ends; and
  - xiii. Signature of Secretary.

(c) Draft Meeting minutes shall be distributed to members of the Board or the Committee at least five business days in advance of review and approval.

(d) Meeting minutes should be made available to the public within two weeks of the Meeting. Minutes should be marked "draft" and made available to the public even if such minutes have not been approved within two weeks of the Meeting.

(e) Minutes do not need to be prepared for a Committee Meeting held solely for the purpose of approving minutes from a prior meeting. A Committee should meet to approve minutes from a prior meeting within one month of the prior meeting.

(f) Meeting minutes must be posted on the ECWA Website and shall remain on the ECWA Website for at least two years.

(g) Official Meetings shall be kept as a permanent record in the Authority's Minute Books.

## **Section 8: Executive Session**

(a) The Board or one of its Committees may conduct a portion of its Meeting in Executive Session, upon the majority vote of the Board or the Committee taken during an open session pursuant to a motion identifying one of the enumerated purposes set forth in Public Officers Law § 105, as listed below:

- (1) Matters which will imperil the public safety if disclosed;
- (2) Any matter which may disclose the identity of a law enforcement agent or informer;
- (3) Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- (4) Discussions regarding proposed, pending or current litigation;
- (5) Collective negotiations pursuant to Article 14 of the Civil Service Law;
- (6) The medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particulate person or corporation;
- (7) The preparation, grading or administration of examinations; and
- (8) The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the Authority, but only when publicity would substantially affect the value thereof.

(b) In the agenda for the Meeting, the Chair should give notice to other Board or Committee members, as well as the public, if a motion will be made to move into Executive Session. If such motion is not listed on the agenda, then a motion to move into Executive Session must have unanimous support of the members of the Board or Committee.

(c) Before the Board or Committee recesses the open session of the Meeting to enter into Executive Session, a motion must be made and seconded with sufficient details as to the enumerated purpose requiring the matter to be held in Executive Session. If the motion is carried, the Chair will designate, during the open session, the individuals invited to participate in the Executive Session in addition to members of the Board or Committee. These names are to be recorded in the minutes. The minutes of the open session must reflect the time the Board or Committee enter and exited the Executive Session.

(d) The Chair has the duty to ensure that only the matter(s) identified in the motion will be discussed during the Executive Session.

(e) No motions or formal votes may be taken in Executive Session.

(f) Attendance at the Executive Session shall be limited to the members of the Board or the Committee, and any other persons authorized by the Board or Committee, who have been identified on the record in the open session prior to convening the Executive Session.

**Section 9: Recording and Broadcasting of Meetings.**

(a) The Authority:

- i. [Audio recordings](#) of the Board and Committee Meetings shall be posted on the ECWA Website and shall remain on the ECWA Website for at least two years.
- ii. Effective as of a date to be determined in 2019, the Authority will stream live all Board and Committee Meetings on the Internet. All audio and visual transmissions will be archived and made available on the ECWA Website for a two-year period.

(b) The Public and the Media:

- i. Any Meeting open to the public may be photographed, broadcast, webcast, or otherwise recorded and/or transmitted by audio or video means by any member of the public or the media.
- ii. Operation of equipment to photograph, record or broadcast a Meeting is permitted unless it is obtrusive, disruptive, or interferes with the deliberative process or the right of persons in attendance to observe or listen to the proceedings.
- iii. Use of equipment necessary to photograph, record or broadcast is permitted without notice to or express permission from the Authority or those in attendance at the meeting.
- iv. Use of special lighting or large equipment necessary to photograph, record or broadcast a meeting is permitted unless it is obtrusive or disruptive.
- v. Personnel who operate equipment necessary to photograph, record and/or broadcast a meeting shall be permitted to move about the room, as long as such movement does not disrupt or interfere with the deliberative process.



- vi. Use of equipment necessary to photograph, record and/or broadcast a meeting shall not be limited to a location from which such equipment is not reasonably capable of photographing, recording and/or broadcasting.
- vii. Persons operating equipment necessary to photograph, record and/or broadcast shall be given a reasonable opportunity to modify their actions in order to avoid interference with the deliberative process.

(c) There is no privacy interest in statements made during the open session of a Board or Committee Meeting. Distaste or embarrassment shall not constitute a basis for prohibiting or limiting the photographing, recording or broadcasting of those present at a Meeting.

**Section 10: Public Expression**

Members of the public are encouraged to express their views at the regular Meetings of the Board. Individuals who wish to address the Board must submit a written request to the Secretary, containing the name and address of the individual who will be addressing the Board and the subject matter to be raised. Unless the Board approves a motion to suspend the rules, written requests must be received by forty-eight (48) hours prior to time of the regular Board meeting, at the following address or email: Secretary of the Authority, Erie County Water Authority, 295 Main Street, Room 350, Buffalo, New York 14203 or [secretary@ecwa.org](mailto:secretary@ecwa.org). Individuals will be permitted two minutes to address the Board, unless the Board Chair extends the time.

**Section 11: Conflicts of Interest**

(a) A conflict of interest is a situation in which the personal interest of a Commissioner comes into actual, potential or perceived conflict with his/her fiduciary or public responsibilities as a board member. Commissioners should always serve the interests of the Authority above their own personal interests when conducting public business.

(b) Commissioners are required to disclose any actual, potential or perceived conflict involving any item or matter coming before the Board or Committee for approval. When an actual or potential conflict exists, the Commissioner should recuse himself or herself from any discussion or voting on such item or matter.

**Section 12: FOIL Appeals**

Any appeal to the Board pursuant to the Authority's Policy & Procedures for Accessing Public Records and the New York State Freedom of Information Law is considered a quasi-judicial proceeding pursuant Public Officers Law § 108 (1) and is not subject to the provisions of the Open Meetings Law.

### **Section 13: Severability**

If any provision of the Policy & Procedures for Accessing Public Meetings ("Policy and Procedures") or its application to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of the Policy & Procedures or its application to other persons and circumstances.

**Adopted on October 18, 2018**

**Amended on May 6, 2019**

**Amended on January 21, 2021**

# Erie County Water Authority Procurement Disclosure Policy

## **Purpose**

As a public benefit corporation, the Erie County Water Authority (the “Authority”) must conduct its operations in a manner that best serves the interests of its customers and the general public. The Authority expects all members, officers, and employees to comply and cause the Authority to adhere to all the laws and regulations governing business transactions, namely State Finance Law 139j and 139k (the “Statutes”) which reform the procurement process for all government entities, including the Authority.

This Procurement Disclosure Policy is intended to conform the Authority’s procurement process to the requirements of the Statutes.

## **Article 1**

### **Definitions**

Article of Procurement A commodity, service, technology, public work, construction, revenue contract, the purchase, sale or lease of real property, or an acquisition or granting of other interest in real property, that is the subject of a Governmental Procurement.

Contact Any oral, written or electronic communication with a governmental entity under circumstances where a reasonable person would infer that the communication was intended to influence the Governmental Procurement.

Governmental Entity Any department, board, bureau, commission, division, office, council, committee, or officer of the public authority and or public benefit corporation as the Authority is recognized. The Statute includes other such entities unrelated to our Authority.

Offerer The individual or entity, or any employee, agent, consultant or person acting on behalf of such individual or entity , that contacts a Governmental Entity about a Governmental Procurement during the Restricted Period of such a Governmental Procurement.

Procurement Contract Any contract or other agreement for an Article of Procurement involving an estimated annualized expenditure in excess of Ten Thousand Dollars (\$10,000) The Statute provides some exemptions not normally used by the Authority.

Procurement Officer The authorized contact person for a purchase.

Procurement Record Documentation of contacts during the Restricted Period attached to the Project File, and or the Purchasing System.

Proposal Any bid, quotation, offer, or response to the Authority's solicitation of submissions relating to a procurement.

Restricted Period The period of time commencing from the Authorization by the Board of Commissioners to advertise and/or authorization to solicit a Request for Proposal or bid and/or any other method of soliciting a response from offerers intending to result in a procurement contract, and ending with the contract award by the Board.

Solicitation Materials Any written materials, invitations, electronic or otherwise.

## **Article 2**

### **Ethics Officer**

On an annual basis the Members of the Authority shall appoint a Chairperson of the Ethics Board. The Ethics Board shall be the Members of the Board of Commissioners. For the purpose of this Policy that person shall be the "Ethics Officer."

## **Article 3**

### **Procurement Officers**

For each and every governmental solicitation, subject to this Statute, the Executive Director and/or Director of Administration shall recommend for Board approval a "Procurement Officer," who shall be the designated contact person and Procurement Officer for Offerers to make all contacts during the Restricted Period.

## **Article 4**

### **Contacts by Offerers**

All contacts between an Offerer and the Authority during the Restricted Period for each procurement contract (annualized in excess of \$10,000) shall be made through the applicable Procurement Officer, unless one of the following exception applies:

- (a) submission of written proposals in response to a Request for Proposal, invitation for bid, or any other method of soliciting a response from Offerers intending to result in a procurement contract collectively, solicitation materials.
- (b) The submission of written questions to a designated contact set forth in any solicitation materials.
- (c) Participation in a pre-bid conference set forth in solicitation material.
- (d) Complaints made in writing addressed to any empowered legal authority, or addressed to the Authority as to the Executive Director about the procurement process.
- (e) Offerers who have been tentatively awarded, and have been so notified, for the purpose of communicating with the Authority for the sole purpose of negotiating the contract.
- (f) Contact between the designated Authority staff and an Offerer in which an Offerer requests the review of a procurement award.

- (g) Discussions with the Claims Representative/Risk Manager about insurance, and/or, the Director of Equal Employment Opportunity, regarding certifications, in regard to meeting the terms of the contract before the award to insure that the contract obligations can be met.

## **Article 5 Other Prohibited Offerer Activities**

In addition to utilizing the designated Procurement Officer for all contacts with the Authority, the following additional rules apply to the Offerer:

- (a) Offerer should not attempt to influence the Authority's procurement in a manner that would result in a violation of any State or Authority ethics or conflict of interest statute or policy.
- (b) Offerer is prohibited from contacting any member, officer, or employee of a governmental entity other than the Authority (see Law for exceptions) during the Restricted Period of a pending procurement.

## **Article 6 Procurement Record**

Contacts should be recorded on the designated forms and placed into the Project file with File Retrieval and then (and/or) converted to the Purchasing System using the imaging system indexed to the designated Purchase Order or Master Purchase Order number after the contract is established. All contacts must be sent to the Director of Administration for proper assignment to the archive.

**Contacts, that a reasonable person would infer are not intended to influence the governmental procurement process, shall not be entered into the Procurement Record.**

The Authority will retain these records for a period no less than six (6) years.

## **Article 7 Required Disclosure**

The Authority shall incorporate into its Solicitation Materials a summary or the policy and prohibitions of the Statutes as well as any and all rules, regulations and the standard Authority Policies and Procedures for said RFP, quotations or bid.

## **Article 8 Requirements of the Authority Prior to Awarding Procurement Contracts**

The Authority will make the final determination and award based in accordance with its existing procedures, in compliance with State Finance Law provisions, and free of any conduct prohibited under the Public Officers Law, as well as the applicable provisions of the Authority's Code of Ethics and Conflict of Interest Policy.

## **Article 9 Procedure for Alleged Violation**

Any member, officer, or employee of the Authority, who becomes aware that an Offerer has violated this Policy or the Statutes shall:

- (a) Immediately notify the Ethics Officer who shall immediately investigate
- (b) If after the investigation the Ethics Officer finds there is sufficient cause to believe the alleged violation has occurred, he/she shall give the violating Offerer reasonable notice ( in the form of a certified letter, return receipt requested) informing them of the allegations and providing them with the opportunity to be heard regarding the allegations.
- (c) If following the opportunity to be heard, the Ethics Officer determines that the Offerer, has knowingly and willfully violated this Policy, the aforementioned Statutes, or any other applicable procurement disclosure standards affecting Members, Officers, or employees of the Authority, the Offerer shall be subject to sanctions described in Article 10 hereof.
- (d) The Ethics Officer shall report to the ethics officer of another Governmental Entity the violation and be designated as the person to receive similar communications.

## **Article 10 Sanctions**

Upon finding by the Ethics Officer that and Offerer has knowingly and willfully violated this Policy, the Statutes or any other applicable procurement disclosure standards affecting Members, officers or employees of the Authority, the Offerer shall be subject to the following sanctions, as well as any other penalty permitted by law:

- (a) The Offerer shall be deemed “non-responsible” and not be awarded the Procurement contract unless the Authority finds that special circumstances exist:
  - (i) The award to the offending Offerer is necessary to protect the public property or public health or safety; and
  - (ii) The offending Offerer is the only source capable of supplying the required article of procurement within the necessary timeframe.
- (b) In addition the Ethics Officer shall notify the State Office of General Services of the finding of non-responsibility. ( it should be noted that a second finding of non-responsibility in a four year period will render the Offerer and all its subsidiaries ineligible to submit a proposal on or be awarded any Procurement Contract for a four (4) years from the date of the second final determination of non-responsibility, unless a special circumstance outlined in Section A of the State Finance Law or Article 10 in this Policy.)

## **Distribution of This Policy**

This Policy should be incorporated, as a revision, into the Erie County Water Authority Purchasing Guidelines Policy and Procedures following adoption by the Board of Commissioners by resolution.

## **Procedure**

All Requests for Proposals, and formal bids (for the purpose of this policy in excess of an estimated Ten Thousand Dollars \$10,000) must be authorized for solicitation or advertisement by the Board of Commissioners. Authorization commences the Restricted Period.

A Procurement Officer (contact person) should be assigned to such solicitations at the time of Authorization to Advertise or Solicit. This individual is the only contact person for the Authority during the Restricted Period.

A contact form is the official document to record the discussion and should be presented to the Director of Administration for archiving, and or determination for investigation by the Ethics Officer.

The Director of Administration shall keep a chronicle of all solicitations currently in the Restricted Period and notify all Members, officials and employees by way of a broadcast notice on the 5250 screen of the Purchasing System. An e-mail will be forwarded to the Board of Commissioners and will be posted in staff meeting minutes and included in the Board of Commissioners meeting packets. The list should be posted and updated on the ECWA website. The Director of Administration will be available for consultation on the current listing of solicitations in the Restricted Period.

**Employee Responsibility: It is the responsibility of all Erie County Water Authority employees to understand the Policy and State statutes on Procurement Lobbying and recognize that during the Restricted Period all contacts with vendors must be through the designated contact person or Procurement Officer exclusively.**

**E:\RIESTER\ProcurementLaw.doc**



**ERIE COUNTY WATER AUTHORITY**

**PURCHASING POLICIES**

Revised 04/30/2013

05/03/18



**INDEX**

**I POLICY**

Mission Statement .....	1
Code of Ethics. ....	1
Open Vendor Policy .....	2
Freedom of Information .....	2
Disadvantaged Business Opportunity.....	2
Procurement Disclosure Policy .....	3

**POLICY**

**Mission Statement**

The Erie County Water Authority purchases goods and services according to its enabling legislation and charter granted by the State of New York. The purpose of this Policy and Guideline is to assist each department in the procurement process, while protecting the Erie County Water Authority and its rate payers by promoting fairness in contracting with the business community.

The Authority maintains an Open Vendor Policy and welcomes any and all potential bidders. MBE/WBE/DBE must be certified by the State of New York and/or the County of Erie for acceptance. The Authority will consider all such business interests.

The Authority’s Central Purchasing Office oversees a bidding process for informal purchases and supervises all purchasing. The Office of the Secretary to the Authority supervises all formally bid purchases.

The Authority welcomes purchases through contracts let by the County of Erie and State of New York Office of General Services.

The Guidelines are a deliberate effort to balance the need to preserve open and fair competition with the goal of allowing each department flexibility to procure in a manner which contributes to the fulfillment of their operational mission.

**CODE OF ETHICS**

The Erie County Water Authority has adopted a Code of Ethics Policy, which all buyers are responsible for being familiar with and must adhere to in the procurement process. The policy can be found at [ecwa.org](http://ecwa.org).

### **Open Vendor Policy**

The Erie County Water Authority invites all vendors to bid in an open-competitive environment. A vendor may forward to the Central Purchasing Department, by way of U.S. mail, e-mail, internet, or fax, all relevant information pertaining to their enterprise. A new Vendor Application form is available on the ECWA website. A list of approved vendors is developed from this information. Requests for bids or quotes will be solicited off this list. Buyers select appropriate vendors from the Vendor List for bids and quotes. Vendors are required to meet our credit and insurance requirements. Certificates of Insurance are required to be current and approved by Risk Management.

### **Freedom of Information**

The Erie County Water Authority maintains and adheres to all related Freedom of Information regulations. To ensure proper response, requests should be made in writing to the Secretary of the Authority. Telephone requests on results of informal purchases may be made to buyers. Response by this method is at the convenience of the Authority.

### **Disadvantaged Business Opportunity**

It is the desire of the Erie County Water Authority to promote and assist participation by DBEs, MBEs and WBEs and facilitate a fair share of the awarding of contracts.

The Director of EEO shall maintain a list of all MBE, WBE and DBE entities certified to perform public work, supply items for purchase contracts or perform personal or professional services of a kind and nature which may be needed by the Authority.

Buyers will be responsible for referencing such list prior to the publication of a notice of procurement opportunity or informal solicitation to determine the availability of certified DBE, MBE and WBE entities.

## **PROCUREMENT DISCLOSURE POLICY**

### **Vendor and Employee Responsibility**

**It is the responsibility of all Erie County Water Authority vendors and employees to understand the Policy and State statutes on Procurement Lobbying and recognize that during the Restricted Period, all contacts with vendors must be through the designated contact person or Procurement Officer exclusively.**

### **Purpose**

As a public benefit corporation, the Erie County Water Authority (the “Authority”) must conduct its operations in a manner that best serves the interests of its rate payers and the general public. The Authority expects all members, officers and employees to comply and cause the Authority to adhere to all the laws and regulations governing business transactions, including State Finance Law 139j and 139k (the “Statutes”).

This Procurement Disclosure Policy is intended to assure the Authority’s procurement process conforms to the requirements of the statutes.

### **Article 1 – Definitions**

#### **Article of Procurement**

A commodity, service, technology, public work, construction, revenue contract; the purchase, sale or lease of real property; or an acquisition or granting of other interest in real property that is the subject of a Governmental Procurement.

#### **Contact**

Any oral, written or electronic communication with a Governmental Entity under circumstances where a reasonable person would infer that the communication was intended to influence the Governmental Procurement.

#### **Governmental Entity**

Any department, board, bureau, commission, division, office, council, committee or officer of the public authority and/or public benefit corporation.

#### **Offerer**

The individual or entity, or any employee, agent, consultant or person acting on behalf of such individual or entity, that contacts a Governmental Entity about a Governmental Procurement during the Restricted Period of such a Governmental Procurement.

**Procurement Contract**

Any contract or other agreement for an Article of Procurement involving an estimated annualized expenditure in excess of Ten Thousand Dollars (\$10,000). Grants, Article 11b State Finance Law contracts (i.e. any contract providing for a payment under a program appropriation to a not-for-profit corporation), intergovernmental agreements, railroad and utility force accounts, utility relocation project agreements or orders and eminent domain transactions shall not be deemed procurement contracts.

**Procurement Officer**

The authorized contact person for a Governmental Procurement.

**Procurement Record**

The procurement record is the collection of all documents related to a purchase. Documentation of contacts during the Restricted Period are attached to the Project File, and/or the Purchasing System.

**Proposal**

Any bid, quotation, offer, or response to the Authority's solicitation of submissions related to a procurement.

**Restricted Period**

The period of time commencing when by way of resolution the Board of Commissioners authorize to advertise and/or solicit a Request for Proposal, or bid and/or any other method of soliciting a response from Offerers, intending to result in a procurement contract, and ending with the contract awarded by the Board.

**Solicitation Materials**

Any written materials or invitations, electronic or otherwise.

**Article 2 – Ethics Officer**

The Ethics Board shall be the voting members of the Board of Commissioners. On an annual basis, the voting members of the Authority shall appoint a Chairperson of the Ethics Board. For the purpose of this Policy, that person shall be designated as the "Ethics Officer."

**Article 3 – Procurement Officers**

For each and every governmental solicitation subject to this Statute, the Executive Director and/or Director of Administration shall recommend for Board approval a

“Procurement Officer”, who shall be the designated contact person to whom Offerers shall make all contacts during the Restricted Period.

#### **Article 4 – Contacts by Offerers**

All contacts between an Offerer and the Authority during the Restricted Period for each procurement contract (annualized in excess of \$10,000) shall be made through the applicable Procurement Officer, unless one of the following exceptions applies:

- (a) Submission of written proposals in response to a Request for Proposal, Invitation for Bid, or any other method of soliciting a response from Offerers intending to result in a procurement contract.
- (b) Submission of written questions to a designated contact set forth in any solicitation materials.
- (c) Participation in a pre-bid conference set forth in solicitation materials.
- (d) Complaints made in writing addressed to any empowered legal authority, or addressed to the Authority’s Board of Commissioners regarding the procurement process.
- (e) Contact by Offerers, who have been tentatively awarded and have been so notified, for the sole purpose of negotiating the contract.
- (f) Contact by an Offerer to designated Authority staff in which an Offerer requests the review of a procurement award.
- (g) Contact by an Offerer before the award with the Claims Representative/Risk Manager regarding insurance, and/or, with the Director of Equal Employment Opportunity regarding certifications, relative to meeting terms of the contract to insure that the contract obligations can be met.

#### **Article 5 – Prohibited Offerer Activities**

In addition to utilizing the designated Procurement Officer for all contacts with the Authority, the following additional rules apply to the Offerer:

- (a) Offerer should not attempt to influence the Authority’s procurement in a manner that would result in a violation of any State or Authority ethics or conflict of interest statute or policy.

- (b)** Offerer is prohibited from contacting any member, officer, or employee of a governmental entity other than the Authority (see Law for exceptions) during the Restricted Period of a pending procurement.

(c) **Article 6 – Procurement Record**

The procurement record is the entire document or documents related to a purchase.

**Article 7 – Required Disclosure**

The Authority shall incorporate into its Solicitation Materials a summary of the policy and prohibitions of the Statutes, as well as any and all rules, regulations and standard Authority Policies and Procedures for said RFP, quotations or bid.

**Article 8 – Requirements of the Authority Prior to Awarding Procurement Contracts**

The Authority will make the final determination of award in accordance with its existing procurement procedures and in compliance with its Code of Ethics Policy, Conflict of Interest Policy, and State Finance Law provisions.

**Article 9 – Procedure for Alleged Violation of Inappropriate Contacts**

- (a) Any member, officer, or employee of the Authority who becomes aware that an Offerer may have violated this Policy or the Statutes shall immediately notify the Ethics Officer who shall immediately investigate.
- (b) If the Ethics Officer finds there is sufficient cause to believe the alleged violation has occurred, he/she shall provide the violating Offerer reasonable notice (in the form of a certified letter, return receipt requested) informing them of the allegations and providing them with the opportunity to be heard regarding said allegations.
- (c) Following the opportunity to be heard, if the Ethics Officer determines that the Offerer has knowingly and willfully violated this Policy, the aforementioned Statutes, or any other applicable procurement disclosure standards affecting members, officers, or employees of the Authority, the Offerer shall be subject to sanctions described in Article 10 hereof.
- (d) The Ethics Officer shall report violations to the ethics officer of the appropriate state agency responsible for reviewing or investigating such matters at the Authority and shall be designated as the person to receive similar communications.



## **Article 10 – Sanctions**

Upon a finding by the Ethics Officer that an Offerer has knowingly and willfully violated this Policy, the aforementioned Statutes, or any other applicable procurement disclosure standards affecting members, officers, or employees of the Authority, the Offerer shall be subject to the following sanctions, as well as any other penalty permitted by law:

- (a) The Offerer shall be deemed “non-responsible” and shall not be awarded the Procurement contract unless the following special circumstances exist:
  - i. The award to the offending Offerer is necessary to protect the public property or public health or safety; and/or
  - ii. The offending Offerer is the only source capable of supplying the required article of procurement within the necessary time frame.
  
- (b) In addition, the Ethics Officer shall notify the State Office of General Services of the finding of non-responsibility. A second finding of non-responsibility within a four-year period will render the Offerer and its subsidiaries ineligible to submit a proposal or to be awarded any Procurement Contract for a period of four (4) years from the date of the second finding of non-responsibility (unless a special circumstance as outlined in Section A of the State Finance Law).

## **Erie County Water Authority Report of Contact**

### **Background**

New York State Finance Law §139-k (4) obligates every Governmental Entity during the Restricted Period of a Procurement Contract to make a written record of any Contacts made. The term “Contract” is defined by statute and refers to those oral, written or electronic communications that a reasonable person would infer are attempts to influence the Governmental Procurement. In addition to obtaining the required identifying information, the Governmental Entity must inquire and record whether the person or organization that made the Contact was the Offerer or was retained, employed or designated on behalf of the Offerer to appear before or Contact the Governmental Entity.

It should be noted that State Finance Law §139-k (6) provides: Any communications received by a governmental entity from members of the state legislature, or legislative staffs, when acting in their official capacity, shall not be considered to be a “contact” within the meaning of this section and shall not be recorded by a governmental entity pursuant to this section.

### **Instructions**

This form is for each Procurement Contract governed by State Finance Law §139-k. All recorded Contacts shall be included in the procurement record for the Procurement



Contract. This form was designed to collect information about initial and subsequent Contacts on the specified procurement contract during the Restricted Period. However, a separate form must be completed for each person or organization that Contacts the Authority about each Procurement Contract. Additional information and guidance on the “restricted period” and permissible Contacts can be found in the guidelines issued by the Advisory Council on Procurement Lobbying, which can be found [:http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html](http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html).

Every Offerer and those designated, employed or retained by Offerers must be informed of the intention to record the Contact. It is also the Authority’s responsibility that information is provided to Offerers and others on the statutory Restricted Period, Designated Contacts and the Permitted Contacts.

**Erie County Water Authority Report of Contact  
Under State Finance Law §139-k (4)**

**Procurement Record Regarding the following**

Project No. _____	Contract No. _____
Vendor No. _____	Budget Item No. _____
Master Purchase Order No. _____	Purchase Order No. _____

Designated project contact persons of record

---

(Name and Title)

Was the person making the Contact informed that the Contact would be documented? Yes      No

I had contact with the below named individual(s) regarding the above identified procurement. The term "contact" is defined in State Finance Law §139-k (1) (c). In accordance with State Finance Law §139-k (4), the following information was obtained.

Name \_\_\_\_\_ Occupation \_\_\_\_\_  
Company \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Address \_\_\_\_\_

Is the above named person or organization the "Offerer" in this governmental procurement?	Yes	No
If no, was the above named person or organization retained, employed or designated by the "Offerer" to:		
- appear before the governmental entity about the governmental procurement?	Yes	No
- contact the governmental entity about the governmental procurement?	Yes	No

**Contact List**

Dates:                      Summary of contact (e.g., email, letter, conversation) and topic of the communication

---

---

Use additional pages or copies of written communications as necessary. Also properly identify all attachments.

Designated Contact Person: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

I:\FORMS\PURCHASING-FORMS\ReportofContactForm.doc