

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

Re:	EMPLOYMENT OPPORTUNITY POSTING AND HIRING	Policy No.:	92.0
Application:	Authority Wide	Adopted:	10/04/12
		Amended:	03/26/13
			02/21/19

PURPOSE

The purpose of this policy is to set guidelines for a fair and open process of hiring and promoting Authority personnel including, but not limited to, posting employment opportunities, submitting and reviewing of employment applications and resumes, and confirming and communicating all notices necessary for the appointment of an individual to position classified as exempt, competitive, or non-competitive, or to a position for which jurisdictional classification is pending.

POLICY

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

PROCEDURE

Section 1 Definitions.

(a) “Appointing resolution” means a resolution adopted by the Board to appoint a person to an exempt position.

(b) “Appointment notice” means a notice sent by a Division Head to the Board, indicating a person whom the Division Head intends to appoint to a position.

(c) “Appointment letter” means a letter sent by the Secretary to a person who has been offered an appointment to a position at the Authority.

(d) “Attorney” means the Authority’s Attorney, who serves as the Authority’s general counsel and chief legal advisor, or his/her designee.

- (e) “Authority” means the Erie County Water Authority.
- (f) “Board” means the Authority’s Board of Commissioners.
- (g) “Chief Financial Officer” means the position or individual designated by the Board to oversee the Authority’s fiscal, financial and accounting operations.
- (h) “Eligible applicants” means an individual reachable on a competitive civil service list.
- (i) “Employment inventory” means all positions within the Authority, authorized by the Board and approved by the Erie County Personnel Department, which may be funded and to which individuals may be appointed.
- (j) “Executive Director” means the Authority’s Executive Director who oversees the operation of the Authority’s physical plants, facilities, infrastructure, and water system.
- (k) An interview committee” shall include the Secretary, the Director of Human Resources, and the Division Head or his/her designee. The Executive Engineer or his/her designee shall be on the interview committee for any position within the Operations Division. The Comptroller or his/her designee shall be on the interview committee for any position within the Finance Division.
- (l) “Secretary” means the Secretary of the Authority or his/her designee.
- (m) “Selected applicant” means an applicant to whom a Division Head may offer an employment opportunity.
- (n) “Division” means the one of the four divisions overseen by the Board. These divisions include the Governance, Legal, Operations, and Finance.
- (o) “Division Head” means one of four exempt senior management positions who report directly to the Board. These Division Heads include the Secretary, Attorney, Executive Director, and Chief Fiscal Officer. Division Heads are appointed by, and serve at the pleasure of, the Board.

Section 2 Classified Civil Service Positions.

- (a) Pursuant to Public Authorities Law § 1053(3), the Authority may fix and determine the qualifications, duties and compensation for all employment positions. The Erie County Personnel Department will determine whether such positions will be classified as exempt, competitive, or non-competitive.
- (b) Any position subject to classification, but otherwise not classified by the Erie County Personnel Department, should be listed within the Authority’s employment inventory as “pending jurisdictional classification” or “PJC.”

Section 3 Positions Classified as Competitive.

(a) Positions classified as competitive are subject to examination. No person may be offered a permanent competitive position without being an eligible applicant on an approved civil service list.

(b) Appointments from a Civil Service List.

(1) When a competitive position is vacant, and a civil service list exists, the Authority will canvas and offer interviews to all eligible applicants.

(2) Interviews will be conducted by the interview committee, as that term is defined in Section 1, paragraph (k) of this policy.

(3) After consulting with the interview committee, the Division Head will select one of the eligible applicants.

(4) The Secretary will notify the selected applicant of the pending appointment and will arrange for a background check and a physical examination. If the selected applicant passes both the background check and the physical examination, the Secretary will send an appointment letter to the selected applicant, with a copy to the Board. The Secretary will advise the selected applicant that his/her appointment is subject to approval by the Erie County Personnel Department.

(5) The Secretary will also submit a PO-1M form to the Erie County Personnel Department for approval.

(6) If the first selected applicant does not pass the physical exam or the background check, the Authority shall immediately notify the Erie County Personnel Department that the individual failed to qualify for appointment.

(7) If a selected applicant fails to qualify for appointment, the Authority will select another applicant consistent with the procedures set forth in subparagraphs (1) through (6) of paragraph (b) of this section.

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

(c) 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 recruit plan to fill the vacant position on a provisional basis, pending a competitive examination. At minimum, the job specifications for the vacant position shall be posted on the Authority's website for at least a one-week period.

- (2) The interview committee shall review and rank the employment applications and resumes of any individual seeking a provisional appointment.
 - (3) After the employment applications and resumes have been reviewed and ranked, the interview committee shall decide which applicants should be granted an interview. Whenever possible, interviews should be given to the top-three, ranked applicants.
 - (4) After consulting with the interview committee, the Division Head will decide which applicants should be offered a provisional appointment.
 - (5) The Division Head shall notify the Board of his/her intent to offer the applicant a provisional appointment by sending an appointment notice pursuant to the procedure set forth in paragraph (a) of Section 8 of this policy.
 - (6) Unless the Board moves to hold the appointment in abeyance, the Secretary will notify the applicants of the pending provisional appointment and will arrange for a background check and a physical examination. If the applicant passes both the background check and the physical examination, the Secretary will send a letter of provisional appointment to the applicant. The Secretary will advise the applicant that his/her provisional appointment is subject to approval by the Erie County Personnel Department. The Secretary will further advise the applicant that he/she will hold the position only on a provisional basis until a permanent appointment is made.
 - (7) The Secretary will also submit a PO-1M form to the Erie County Personnel Department for approval.
 - (8) If the applicant does not pass the physical exam or the background check, the Authority will select another applicant consistent with the procedures set forth in subparagraphs (1) through (7) of paragraph (c) of this section.
 - (9) The Director of Human Resources or his/her designate will conduct an orientation session for all new employees.
- (d) Civil Service Exams.
- (1) The Erie County Personnel Department will notify the Authority when an examination will be offered for the competitive position.
 - (2) The Authority will post on its website any examination notice given by the Erie County Personnel Department relating to civil service exams for any competitive positions within the Authority's employment inventory. Such examination notice shall contain the deadline for

individuals to sign-up for the exam, as well as the date, time and place of the examination.

- (3) The Authority shall notify an employee holding a competitive position on a provisional basis of the examination notice.
- (4) Once the Erie County Personnel Department has given the Authority a certified civil service list of eligible applicants, the Authority will immediately take the steps set forth in paragraph (b) of this section to appoint an eligible applicant, as that term is defined by Section 1, paragraph (h) of this policy.

Section 4 Positions Classified as Non-Competitive.

(a) When a non-competitive position is vacant, the Secretary and the Division Head shall devise a recruit plan to fill the vacant non-competitive position. At minimum, the job specifications 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 resumes of any individual seeking appointment to a non-competitive position to determine first whether the applicant has the minimum qualifications for appointment and then to rank each applicant based on experience and qualifications.

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

(d) After consulting with the interview committee, the Division Head will decide which applicant should be offered an appointment.

(e) The Division Head shall notify the Board of his/her intent to offer the applicant a provisional appointment pursuant to the procedure set forth in paragraph (b) of Section 8 of this policy.

(f) Unless the Board moves to hold the appointment in abeyance, the Secretary will notify the applicant of the pending appointment and will arrange for a background check and a physical examination. If the applicant passes both the background check and the physical examination, the Secretary will send an appointment letter to the applicant. The Secretary will advise the applicant that his/her appointment is subject to approval by the Erie County Personnel Department.

(g) The Secretary will also submit a PO-1M form to the Erie County Personnel Department for approval.

(h) If the applicant does not pass the physical exam or the background check, the Authority will select another applicant consistent with the procedures set forth in paragraphs (a) through (g) of this section.

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

Section 5 Probationary Period.

(a) All individuals appointed to a non-competitive and competitive basis shall be subject to a probationary period as set forth in the rules adopted and made applicable to the Authority by the Erie County Personnel Department, and in any applicable collective bargaining agreement.

Section 6 Positions Classified as Exempt.

(a) Division Heads

(1) The Board shall recruit and appoint all Division Heads who serve at the pleasure of the Board.

(2) For the purposes of this policy the following exempt positions are defined as Division Heads: Secretary of the Authority, the Attorney, the Executive Director and the Chief Fiscal Officer, as that term is defined in Section 1, paragraph (g) of this policy.

(b) Other Exempt Positions

(1) The Board shall approve the appointment of all individuals in an exempt position.

(2) The following other positions have been classified exempt: Associate Attorney (full-time), Associate Attorney (part-time), Comptroller (full-time), Comptroller (part-time), and Executive Engineer.

(3) When an exempt position is vacant, the Secretary and the Division Head shall devise a recruit plan to fill the vacant exempt position. At minimum, the job specifications for the vacant position shall be posted on the Authority's website for at least a one-week period.

(4) The interview committee shall review the employment applications and resumes of any individual seeking appointment to an exempt position to determine first whether the applicant has the minimum qualifications for appointment and then to rank each applicant based on experience and qualifications.

(5) After the employment applications and resumes have been reviewed and ranked, the interview committee shall decide which applicants

should be granted an interview. Whenever possible, interviews should be given to the top three, ranked applicants.

(6) After consulting with the interview committee, the Division Head will decide which applicant to recommend to the Board for appointment.

(7) The Division Head shall notify the Board of his/her recommendation. Such recommendation should contain the name, address and resume of the applicant, and facts sufficient to support the recommendations. The recommendation should also contain the number of individuals applying for the exempt position, the number deemed by the interview committee as qualifying for the position and the number of individuals interviewed for the position. Upon request of any board members, the Division Head may provide copies of resumes of those applicants interviewed. Members will review such resumes on a confidential basis to protect the applicant's privacy.

(8) The Secretary will notify the applicant of the recommendation and will arrange for a background check and a physical examination. The Secretary will also inform the applicant his/her appointment is subject to Board approval. If the applicant passes both the background check and the physical examination, the Division Head will forward his/her recommendation to the Board in accordance to the procedure set forth in paragraph (c) of Section 8 of this policy.

a. If the applicant does not pass the physical exam or the background check, the Division Head will recommend another applicant consistent with the procedures set forth in subparagraphs (1) through (3) of paragraph (b) this section.

(9) The Board will appoint an individual to an exempt position by adopting an appointing resolution, setting forth the name of the appointee, date of appointment, and the salary grade and step.

(10) The Secretary will submit a PO-1M form to the Erie County Personnel Department for approval, along with a certified copy of the appointing resolution.

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

Section 7 Positions Pending Jurisdictional Classification.

(a) When a position that is listed as "pending jurisdictional classification" or "PJC" in the Authority's employment inventory becomes vacant, the Authority shall follow the procedures set forth in Section 4 of this policy for the individuals seeking appointment for a non-competitive position, unless the Authority has explicitly made a request to the Erie County Personnel Department to have the position classified as exempt.

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

Section 8 Appointment Notices and Recommendations to the Board.

(a) Provisional Appointment to Positions Classified as Competitive

(1) Pursuant to Section 3, paragraph (c), subparagraph (5) of this policy, the Division Head shall notify the Board of his/her intent to offer the applicant a provisional appointment.

(2) The appointment notice to the Board should contain:

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

(3) Such notice should be scanned and emailed to the Commissioners, at least three business days prior to the filing deadline for Board resolution. If the appointment notice has not been emailed at least three business days prior to the filing deadline for the next Board meeting, the appointment will be held in abeyance until the next filing deadline.

(4) After an appointment notice has been emailed, any Commissioner may direct the Secretary to file a resolution to hold the appointment in abeyance until the Board has had the opportunity to discuss the appointment in executive session pursuant to Public Officers Law § 105(1)(f).

- i. the request for a resolution to hold an executive session must be made at the filing deadline set forth in paragraph (a), subparagraph (3) of this section. Such a request may be sent by email to the Secretary prior to the filing deadline.
- ii. the resolution to hold an executive session must contain the name of the appointing Division Head, the position sought to be filled on a provisional basis, and the date the Division Head emailed the appointment notice to Commissioners;

- iii. the resolution shall not contain the name or address of the individual whom the Division Head seeks to appoint to the provisional position;
- iv. the resolution must be seconded for the appointment to be discussed in executive session;
- v. if no other Commissioners seconds the resolution, the Division Head may proceed with the appointment;
- vi. If the resolution is seconded, the appointment may be discussed in executive session.
- vii. Upon exiting the executive session, a motion must be made and seconded to hold the appointment in abeyance pending further discussion and approval by the Board. If no such motion is made or if such motion is not seconded, the Division Head may proceed with the appointment.

(5) The Secretary will submit a PO-1M form to the Erie County Personnel Department relating to a provisional appointment.

(6) Once the Erie County Personnel Department has accepted the provisional appointment, the Secretary will inform the Board the name of the newly hired employee, in a staff memorandum placed on the Board's agenda.

(b) Appointment to Positions Classified as Non-Competitive

(1) Pursuant to Section 4, paragraph (e) of this policy, the Division Head shall notify the Board of his/her intent to offer the applicant a position classified as non-competitive.

(2) The appointment notice to the Board should contain:

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

(3) Such notice should be scanned and emailed to the Commissioners, at least three business days prior to the filing deadline for Board resolution. If the appointment notice has not been emailed at least three business days prior to the

filing deadline for the next Board meeting, the appointment will be held in abeyance until the next filing deadline.

(4) After an appointment notice has been emailed, any Commissioner may direct the Secretary to file a resolution to hold the appointment in abeyance until the Board has had the opportunity to discuss the appointment in executive session pursuant to Public Officers Law § 105(1)(f).

- i. the request for a resolution to hold an executive session must be made at the filing deadline set forth in paragraph (a), subparagraph (3) of this section. Such a request may be sent by email to the Secretary prior to the filing deadline.
- ii. the resolution to hold an executive session must contain the name of the appointing Division Head, the non-competitive position sought to be filled, and the date the Division Head emailed the appointment notice to Commissioners;
- iii. the resolution shall not contain the name or address of the individual whom the Division Head seeks to appoint to the non-competitive position;
- iv. the resolution must be seconded for the appointment to be discussed in executive session;
- v. if no other Commissioners seconds the resolution, the Division Head may proceed with the appointment;
- vi. If the resolution is seconded, the appointment may be discussed in executive session.
- vii. Upon exiting the executive session, a motion must be made and seconded to hold the appointment in abeyance pending further discussion and approval by the Board. If no such motion is made or if such motion is not seconded, the Division Head may proceed with the appointment.

(5) The Secretary will submit a PO-1M form to the Erie County Personnel Department relating to the non-competitive appointment.

(6) Once the Erie County Personnel Department has accepted the non-competitive appointment, the Secretary will inform the Board the name of the newly hired employee, in a staff memorandum placed on the Board's agenda.

(c) Recommendations for Positions Classified as Exempt.

(1) Pursuant to Section 6, paragraph (b), subparagraph (7) of this policy, the Division Head shall recommend to the Board an individual to be appointed to an exempt position.

(2) Such recommendation should be scanned and emailed to the Commissioners, at least three business days prior to the filing deadline for Board resolution.

(3) After the recommendation has been emailed, any Commissioner may request the recommendation relating to the appointment of an exempt position be discussed in executive session pursuant to Public Officers Law § 105(1)(f). The Secretary shall place the matter on the agenda, notice on the matter to be heard in executive session.

(4) If no Commissioners request the matter to be heard in executive session, the recommendation will be placed on the Board's agenda as a Staff Report from the Division Head and an appointing resolution based on the recommendation shall be placed on the Board's agenda,

(5) The appointing resolution shall set forth name of the individual to be appointed, the exempt position to which the individual shall be appointed, the date of appointment, the starting salary, and the salary grade and step for the appointment.

(6) An appointing resolution must be seconded and must be approved by a Board majority for the appointment to be made.

(7) The Secretary will submit a PO-1M form to the Erie County Personnel Department relating to the exempt appointment.

(8) Once the Erie County Personnel Department has accepted the exempt appointment, the Secretary will inform the Board the name of the newly hired employee, in a staff memorandum placed on the Board's agenda.