



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

To: Jerome D. Schad, Chair
Mark S. Carney, Vice Chair
Peggy A. LaGree, Treasurer

Cc: Terrence D. McCracken, Secretary
Karen A. Prendergast, Chief Financial Officer
Russell J. Stoll, Chief Operating Officer
Leonard F. Kowalski, Executive Engineer

From: Margaret A. Murphy, General Counsel

Date: July 8, 2020

Subject: Adjusting Hours for Part-Time Attorneys

All full-time and part-time attorneys are appointed by, and serve at the pleasure of, the Board of Commissioners (the "Board"). As the Authority's General Counsel, I am responsible for assigning and monitoring assignments given to members of the Legal Staff. Prior to being appointed as the Authority's General Counsel, I had worked as a part-time Associate Attorney for the Authority. Based on my experience as a part-time attorney and as General Counsel, I would like to recommend the Board grant authority to the General Counsel to adjust the hours for part-time Associate Attorneys.

When part-time attorneys are appointed by the Board, the resolution restricts the number of hours a part-time attorney may work to 19 hours within a bi-weekly pay period. Part-time attorneys may earn a salary not to exceed \$49,400 per year.

On March 17, 2020, the Authority reduced the size of its workforce in accordance with the Governor's [Executive Order 202.4](#), directing the Authority that essential personnel could not exceed 50% of its entire workforce. Part-time attorneys who have been on leave without pay since the COVID-19 pandemic would now fall short of the \$49,500 salary cap.

After speaking with Karen A. Prendergast, Chief Financial Officer and Secretary Terrence D. McCracken who oversees the Authority's personnel, I would like to recommend the General Counsel be given the authority to allow part-time attorneys to work 19 hours per week and no more than 38 hours in a bi-weekly pay period. No part-time attorney will be allowed to work such additional hours without the

General Counsel's consent. No part-time attorney may be authorized to work hours in excess of the annual salary cap.

While serving as the Authority's General Counsel, I would only grant such permission to adjust the hours for a part-time attorney, if the attorney has proven to be diligent in his/her work, proficient in the subject matter relating to the assignment, and necessary to handle the workload pending within the Legal Department.

Under the current Legal Department Workforce Plan, approved by Terry McCracken and HR Director Dan NeMoyer, attorneys will work from home using their home or office computers. They will access their emails either through the ECWA portal or through their Office 365 account. They will be able to communicate with the Legal Department and other Authority personnel using the video conferencing features provided by Microsoft Teams. Attorneys will continue to do research by accessing their Westlaw accounts.

While working from home, all attorneys will be required to submit detailed, written timesheets. Attorneys will be required to record their time contemporaneously, with enough details allowing me to monitor both their time and progress on assigned projects. Part-time attorneys will be compensated for the actual, verifiable hours worked during a pay period. Full-time attorneys will be required to use leave time if they are unable to submit billable or administrative hours of at least 60 hours in a bi-weekly pay period.

By approving my recommendations and giving me the authority to adjust the hours of part-time attorneys, I will be able to effectively manage the Legal Department workload in a fair and reasonable manner.