



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

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

Cc: Russell J. Stoll, Chief Operating Officer
Joyce A. Tomaka, Comptroller
Daniel NeMoyer, Director of Human Resources

From: Margaret A. Murphy, General Counsel
Karen A. Prendergast, Chief Financial Officer
Terrence D. McCracken, Secretary

Date: May 13, 2020

Subject: COVID 19 Medical and Dental Coverage for Part-time Attorneys

Pursuant to Policy No. 43.0 (Insurance Benefits) of the Erie County Water Authority (the "Authority") Employee Policy and Procedure Manual, employees are eligible for medical and dental coverage for which they are responsible for, and contribute to, a portion of the monthly premium cost. Employees may waive this coverage and receive a waiver payment, pursuant to the terms of the collective bargaining agreement for represented employees, or pursuant to Policy No. 44.A for non-represented employees.

Part-time attorneys are among the non-represented employees who are eligible for such coverage. Two of the four part-time attorneys are receiving medical and dental coverage and must contribute to the monthly premium, normally deducted from their bi-weekly payroll check. The other part-time attorneys have waived such coverage and will be entitled to receive a waiver payment in 2021. Effective in 2021, no part-time attorney will be eligible for the waiver payment but may elect to receive medical and dental coverage through the Authority.

When the Authority implemented its emergency workforce plan to address the COVID 19 pandemic, full-time employees who were furloughed continue to receive full pay and health benefits. These employees include Associate Attorneys and a Deputy Associate Attorney. Part-time Associate Attorneys, however, are only entitled to pay if they were assigned work and submitted a timesheet approved by the General Counsel, as to the actual hours worked.

Since the implementation of the emergency workforce plan, three of the four part-time attorneys have not been given assignments or been issued a payroll check. One of three will be receiving a waiver payment for this period. Under the Authority's practices and procedures, the two remaining attorneys will be required to reimburse the Authority for their share of the monthly premium payments paid by the Authority.

The General Counsel, the Chief Financial Officer and the Secretary of the Authority have reviewed the matter to find an equitable solution to treat all part-time attorneys fairly. We recommend the Board of Commissioners adopt a resolution waiving the employee's monthly healthcare contribution for any part-time attorney who has not been issued a payroll check. This proposed resolution would be limited to only part-time attorneys, while such attorneys are not being paid but remain as an active employee. The waiver of contribution would only extend during the period that the Authority has been operating under an emergency workforce plan and during the time for which the part-time attorney has not received a payroll check. The resolution would be retroactive to the bi-weekly pay period ending on April 12, 2020.

Mr. McCracken and Ms. Prendergast will be available at the next board meeting to discuss this recommendation and to answer any questions.