



ERIE COUNTY WATER AUTHORITY
INTEROFFICE MEMORANDUM

To: Jerome D. Schad, Chair
Mark S. Carney, Vice Chair
E. Thomas Jones, 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
Joseph Burns, Deputy Administrative Director
Jacqueline C. Mattina, Associate Attorney

Date: March 14, 2021

Subject: Policy No. 96.0 Communicable Disease Preparedness Plan

On September 7, 2020, Governor Andrew Cuomo signed into law Senate Bill 8617-B, amending provisions within the Education Law, and adding section 27-c to the Labor Law. The purpose of the new law is to protect the health and safety of public employees by mandating public employers to draft and publish contingency plans for declared public health emergencies involving communicable diseases.

Pursuant to Labor Law §27-c, the Erie County Water Authority (the “Authority”), as a public employer, must adopt and published a Communicable Disease Preparedness Plan (“CDPP”) on or before April 1, 2021. At a minimum, the CDPP must include:

- A list and description of positions and titles performing essential functions requiring an on-site workforce and a justification for each position and title,
- A specific description of protocols to enable employees to work remotely,
- A workforce plan for staggering on-site employees performing essential functions,
- A description of the protocols for the procurement and storage of personal protective equipment,
- A description of the protocols in the event an employee is exposed to a

communicable disease, including plans for limiting its spread, disinfecting worksites, isolating employees, testing employees, tracking infected employees, and granting leave time,

- A description of the protocol for documenting precise hours and work locations for on-site workers, designed to identify the population of potentially exposed employees, and
- A description of Authority-formed partnerships to address the health care and housing needs of its essential workers.

The Authority is also required to solicit comments and suggestions on the proposed CDPP from duly recognized representatives of any employee collective bargaining unit.

The Executive Staff now recommends to the Governance Committee and the Board of Commissioners (the “Board”) the adoption of H.R. Policy No. 96.0, Communicable Disease Preparedness Plan, a copy of which is submitted with this staff memorandum. The CDPP is the collective work of members of the administrative staff.

Director Dan NeMoyer of the Human Resource Department has submitted copies of the CDPP to the Brotherhood of Western New York Water Workers (“the Brotherhood”) and the Civil Service Employee Association, Inc. (CSEA), Local 1000, AFSCME AFL-CIO. The Brotherhood submitted a suggestion that has been incorporated into the CDPP.

Following the adoption of the plan, Division and Department Heads will have 90 days to prepare Operational Plans consistent with the Policy and tailored to the specific needs of the Division or Department. Division and Department Heads will also be required to review and update these Operational Plans annually.

If, in the future, the Board finds it necessary to adopt by resolution a Declaration of Emergency, such Declaration would incorporate by reference or modify, any provision contained within Policy No. 96.0 or within any Operational Plans, designed in accordance with Policy No. 96.0.

Finally, the Authority must have an adopted CDPP no later than April 1, 2021.