



**ERIE COUNTY WATER AUTHORITY  
INTEROFFICE MEMORANDUM**

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

From: Terrence D. McCracken, Secretary

Cc: Karen A. Prendergast, Chief Financial Officer  
Margaret A. Murphy, General Counsel  
Russell J. Stoll, Chief Operating Officer  
Leonard F. Kowalski, Executive Engineer  
Daniel J. NeMoyer, Director of Human Resources  
Joyce A. Tomaka, Comptroller  
Lavonya C. Lester, Director of Administration  
Sabrina A. Figler, Director of Water Quality  
Michael W. Wymer, Senior Production Engineer  
Michael J. Quinn, Senior Distribution Engineer  
John M. Catanzaro, Director of Operations

Date: August 19, 2020

Subject: Recommendation to Amend the Declaration of Emergency

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On March 17, 2020, the Erie County Water Authority (the “Authority”) immediately put into effect a Comprehensive Emergency Workforce Plan consistent with the directives set forth in Executive Orders by the Governor and state and local health departments. On March 24, 2020, the Board of Commissioners (the “Board”) adopted by resolution ([Item 13](#)) a Declaration of Emergency (the “Declaration”) and retroactively adopted the Comprehensive Emergency Workforce Plan. Since March 24, 2020, the Board has amended the Declaration four times, on April 9, 2020 ([Item 8](#)), April 30, 2020 ([Item 13](#)), June 4, 2020 ([Item 9](#)), and June 18, 2020 ([Item 11](#)).

Currently, under the Executive Orders issued by the Governor, the State will remain in a State of Emergency until September 7, 2020, unless extended by the Governor. To date, the Governor has not extended the State of Emergency beyond September 7, 2020. Such an extension, however, is anticipated, and could occur between the August 27, 2020 and September 10, 2020 Board Meetings. Therefore, I am recommending that the Declaration of Emergency be amended to provide that it remains in effect while the State of Emergency declared by Executive Order by the Governor remains in effect.



# ERIE COUNTY WATER AUTHORITY

## DECLARATION OF EMERGENCY

**WHEREAS**, on March 7, 2020, Andrew M. Cuomo, the Governor of the State of New York (the “Governor”) declared by Executive Order No. 202 “a State disaster emergency for the entire State of New York” in effect until September 7, 2020; and

**WHEREAS**, since March 7, 2020, the Governor has issued a series of Executive Orders (Nos. 202.1 through 202.~~5639~~) “to facilitate the most timely and effective response to the COVID-19 emergency disaster,” enabling all governmental entities within the State of New York “to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds” to address the COVID-19 emergency; and

**WHEREAS**, pursuant to his constitutional and statutory powers, the Governor has issued these Executive Orders “to temporarily suspend or modify any statute, local law, ordinance, rule or regulation, or parts thereof, of *any agency*” (emphasis added) which “would prevent, hinder, or delay action to cope with the disaster emergency or if necessary to act or aid in coping with such disaster;” and

**WHEREAS**, pursuant to these Executive Orders, no entity performing an essential governmental function may issue an emergency order or declaration of emergency inconsistent with, conflicting with or suspending any directives or other executive order, issued pursuant to Executive Law § 24, by the Governor;

**NOW, THEREFORE**, consistent with the directives and orders issued by the Governor, the Erie County Water Authority (the “Authority”), a local public authority “performing an essential governmental function” pursuant to the Public Authorities Law § 1053(4), hereby declares a state of emergency and directs the following actions be taken pursuant to Public Authorities Law § 1053(1):

### **Section 1: Comprehensive Emergency Workforce Plan**

1.1 The Board of Commissioners (the “Board”), by a resolution adopting this Declaration of Emergency, directs the Secretary of the Authority, the Chief Operating Officer, the Chief Financial Officer, and its General Counsel (the Authority’s “Division Heads”), along with the Authority’s Executive Engineer (collectively with the Division Heads, known as the “Executive Staff”) to implement the Comprehensive Emergency Workforce Plan (the “Plan”) set forth in this Declaration of Emergency.

1.1.1 The Executive Staff is charged with the responsibility of implementing the Comprehensive Emergency Workforce Plan, and Health & Safety Plan before Authority operations can return to full-staffing levels.

1.2 Unless otherwise indicated in the Plan, the effective date of this Declaration of Emergency and its Plan shall be March 17, 2020.

1.3 Policy No. 22 (Hours of Work) and Policy No. 25 (Overtime) of the Human Resources Policies and Procedures may be suspended during the period under which the Authority is operating under this Declaration of Emergency.

## **Section 2: Non-Essential Personnel**

2.1 Pursuant to Executive Order Nos. 202.4 and 202.39 the Governor has directed any non-essential personnel, as determined by the governmental entity, should be reduced to no less than fifty percent (50%) of all employees across its entire workforce until June 16, 2020.

2.2 Non-essential personnel, as determined by the Authority's Executive Staff, has been reduced in accordance with Executive Order No. 202.4.

2.3 Since March 17, 2020, all non-essential personnel have been sent home and placed on a furlough status while the Authority is operating under this Declaration of Emergency.

2.4 While on furlough, non-essential personnel have been compensated at their normal rate of pay and have not been required to use any accrued leave time. Such employees have also continued to accrue benefit time.

2.5 Division and department heads determined which employees were deemed to be non-essential, with the Director of Human Resources and the Secretary of the Authority having the final authority on the determination of which personnel were non-essential.

2.6 On June 7, 2020, the Governor issued Executive Order No. 202.39, modifying Executive Order No. 202.4 and lifting the 50% workforce restrictions for local public authorities within a Phase 2 region.

## **Section 3. Essential Personnel**

3.1 Pursuant to Executive Order No. 202.4, the Authority has limited the number of its essential personnel working on-site or in the field to less than 50% of the Authority's entire workforce.

3.2 Division and department heads determined which employees are deemed to be essential personnel, with the Executive Staff having the final authority on the determination of which personnel are essential.

3.2.1 Essential personnel have been classified as follows:

3.2.1.1 Essential personnel who may work from home;

3.2.1.2 Full-time essential personnel, who are required to work a normal work schedule, including essential personnel whose work require them to be in the field or at one of the Authority's facilities;

3.2.1.3 Rotating essential personnel who work on rotating basis in the field or at one of the Authority's facilities;

3.2.1.4 Essential on-call personnel, who are members of the Executive or Senior staff and who will be required to work from their home or be in the field or at one of the Authority's facilities to carry out any essential function during the period this Declaration of Emergency remains in effect.

3.3 Division and department heads will determine which essential personnel may continue to work from their home, with the Director of Human Resources and the Secretary of the Authority having the final authority on such determinations.

3.4 Division and department heads will determine which essential personnel will be classified as full-time or rotating, with the Director of Human Resources and the Secretary of the Authority having the final authority on such determinations.

3.5 Division and department heads may grant requests for leave for any essential personnel. If such a request is made and granted, the employee will be required to use his/her accrued time unless the employee is requesting time pursuant to § 4.6 of this Plan.

3.5.1 When such a request is granted, the division or department head must immediately notify payroll by email ([payroll@ecwa.org](mailto:payroll@ecwa.org)), copying the employee on the email.

3.5.2 If the employee has not been assigned an email account, a copy of the email should be mailed to the employee's home. When emergency

situations make it impractical to mail such a copy, then the payroll department may waive this requirement.

3.6 While the Authority's Declaration of Emergency remains in effect, the Authority may, when appropriate, suspend enforcement of the provisions contained in Appendix E of the collective bargaining agreement with the Brotherhood, as it relates to personnel whose licenses are not regulated by the Federal Highway Administration.

#### **Section 4. Emergency Credit**

4.1 For the period between March 23, 2020 through June 14, 2020, essential personnel while working in the field or at one of the Authority's facilities will receive emergency credit if:

4.1.1 The employee is a member of a collective bargaining unit, or

4.1.2 A non-represented employee having a salary grade of 24 or less.

4.2 No essential personnel will be entitled to any emergency credit while at home.

4.3 No essential on-call personnel will be entitled to any emergency credit.

4.4 If an essential employee is entitled to overtime pay, such employee will not be eligible for emergency credits while working on overtime.

4.5 For the period between March 23, 2020 through June 14, 2020, applicable essential personnel will be entitled to receive an emergency credit of a quarter (.25) hour for each hour worked in the field or at one of the Authority's facilities.

4.5.1 Emergency credit provisions will expire at the end of the third shift on June 14, 2020 at 11:30 p.m.

4.6 Emergency credit may be taken in the form of pay, or time off subject to the following restrictions:

4.6.1 No more than eighty (80) hours of emergency credit may be banked for time-off to be taken later ("banked hours");

4.6.2 Any banked hours must be taken by March 31, 2022, including during the period the Authority is operating under this Declaration of Emergency;

4.6.3 The maximum number of banked hours to be used during the remainder of calendar year 2020 is limited to forty (40) hours. The maximum number of banked hours to be used during the calendar year 2021 is limited to forty (40) hours.

4.6.4 Time-off for banked hours is subject to the same approval restrictions as request for leave for vacation and personal days; and

4.6.5 If any banked hours have not been used by March 31,2022, such hours will expire.

4.7 The employee must tell his/her supervisor at the end of the pay period whether any hours will be banked. Immediately after the pay period, the supervisor will report to Payroll the number of hours submitted for additional pay and the number of hours to be banked.

4.8 If the employee fails to tell his/her supervisor prior to the end of the pay period whether any hours will be banked, both the supervisor and payroll will record the hours for additional pay.

## **Section 5. Timekeeping & Payroll**

5.1 The provisions of Policy No. 29 of the Human Resources Policies and Procedures may be suspended to the extent it conflicts with the Plan by requiring employees to use a time clock or to affix a signature to a timesheet to receive compensation during the period the Authority is operating under this Declaration of Emergency.

5.2 The Comptroller is authorized, with the approval of the Chief Financial Officer, to implement changes for the recording of employee time for the purpose of compensating Authority personnel during the period the Authority is operating under this Declaration of Emergency.

## **Section 6. Health and Safety Plan**

6.1 In accordance with §§ 2 and 3 of this Declaration of Emergency, Authority personnel have been classified as employees performing essential services and as employees performing supportive, but non-essential services.

6.1.1 Essential services 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 by the Division Heads to be necessary to carry out the essential governmental functions of the Authority.

6.1.2 The New York State Department of Health recommends, if resources are available, employees performing essential or non-essential services or functions should be allowed to work from home whenever possible.

6.1.2.1 If resources are available and it is feasible for an employee to work from home, the Secretary of the Authority, the Director of Human Resources and the Division Head may consider, among other factors, whether the employee would be considered at high-risk if exposed to the COVID-19 virus.

6.1.2.2 The CDC has classified as [high-risk](#) the following:

6.1.2.2.1 People aged 65 years and older;

6.1.2.2.2 People with chronic lung disease or moderate to severe asthma;

6.1.2.2.3 People who have serious heart conditions;

6.1.2.2.4 People who are immunocompromised;

6.1.2.2.4.1 Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications.

6.1.2.2.5 People with severe obesity (body mass index [BMI]  $\geq 40$ );

6.1.2.2.6 People with diabetes;

6.1.2.2.7 People with chronic kidney disease undergoing dialysis;  
and

6.1.2.2.8 People with liver disease.

6.2 The requirements in this section have been mandated by the New York State Department of Health, for both essential and non-essential work, being



performed during the COVID-19 public health emergency and will remain applicable “until rescinded or amended by the State.”

**6.3 Physical Distancing While Working On-Site or In the Field**

- 6.3.1 The total number of occupants in any facilities owned or operated by the Authority will be limited to no more than 50% of the maximum occupancy at any time for a particular area as set by the certificate of occupancy.
- 6.3.2 The Authority and its management team will ensure that a distance of at least six feet is maintained among individuals, unless a core activity requires a shorter distance and safety precautions have been implemented to conduct such core activity.
- 6.3.3 Any time individuals must come within six feet of another person, acceptable face coverings must be worn, ensuring that mouth and nose are covered.
  - 6.3.3.1 Employees must be prepared to wear a face covering if another person unexpectedly comes within six feet.
- 6.3.4 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).
  - 6.3.4.1 When distancing is not feasible between workstations, the Authority will
    - 6.3.4.1.1 require employees to wear face coverings at all times, or
    - 6.3.4.1.2 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.
- 6.3.5 Employees will not share workstations without cleaning and disinfection of workstation between use.
- 6.3.6 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.

- 6.3.6.1 Employees should not share laptops, notebooks, touchscreens, and writing utensils.
  - 6.3.6.2 Employees should perform hand hygiene before and after contact with shared surfaces or shared office equipment, such as filing cabinets, copying machines or scanners.
  - 6.3.6.3 Employees who are assigned to offices should adhere to the strict clean-desk policy when their offices will be used for employee meetings.
  - 6.3.6.4 Employees will be responsible for cleaning and disinfecting items on their desk or in their offices or workstations.
- 6.3.7 The Authority requires employees 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.
- 6.3.8 Employees must avoid crowded, tight spaces such as elevators, storage, file or supply rooms, kitchens, and bathrooms.
- 6.3.9 The Authority 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.)
- 6.3.10 The Authority will post signs throughout its offices and treatment plants, consistent with the signage recommended by the New York State Department of Health, to remind individuals to:
- 6.3.10.1 Cover their nose and mouth with a mask or cloth face covering when six feet of social distance cannot be maintained;
  - 6.3.10.2 Properly store and, when necessary, discard personal protective equipment (PPE);
  - 6.3.10.3 Adhere to physical distancing instructions;

- 6.3.10.4 Report symptoms of, or exposure to, COVID-19, to their supervisor and to the Authority's Director of Human Resources by using the Authority's [Employee Health Screening Questionnaire Portal](#); and
- 6.3.10.5 Follow hand hygiene and cleaning and disinfection guidelines.
- 6.3.11 The Authority will limit in-person gatherings (such as meetings and conferences) to the greatest extent possible and will use other methods such as video or teleconferencing whenever possible.
  - 6.3.11.1 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.
- 6.3.12 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.
- 6.3.13 Whenever possible, no more than one person should occupy a vehicle for work purposes.
  - 6.3.13.1 Such vehicles include vehicles owned and assigned by the Authority and employee-owned vehicles used for work purposes.
  - 6.3.13.2 Whenever single occupancy of an Authority owned and assigned vehicle is not operationally possible, capacity should be limited to two persons per vehicle with all occupants required to wear protective face covering.
  - 6.3.13.3 Vehicles owned and assigned by the Authority will be cleaned and disinfected before assigning the vehicle to another employee.
- 6.3.14 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.

## 6.4 **Protective Face Covering**

6.4.1 The Authority will procure and provide all employees with acceptable face coverings at no charge.

6.4.1.1 Face coverings must be cleaned or replaced after use and may not be shared.

6.4.1.2 Although the Authority cannot require employees to supply their own face covering, the Authority must allow employees to use their own acceptable face coverings.

6.4.1.2.1 “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.

6.4.2 The Authority will maintain an adequate supply of face coverings, should an employee need a replacement, or should a visitor be in need.

6.4.3 The Authority will adhere to OSHA standards for safety equipment. If N95 respirators are traditionally required for specific activities, the Authority will provide the N95 masks.

6.4.4 The Authority will train employees on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

## 6.5 **Hygiene, Cleaning and Disinfection**

6.5.1 The Authority will adhere to the hygiene, and cleaning and disinfection guidelines established by the New York State Department of Health in its [“Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19,”](#) and the [“STOP THE SPREAD”](#) poster.

6.5.2 The Authority will maintain logs that include the date, time, and scope of cleaning and disinfection.

6.5.3 The Authority prohibits employees from sharing food and beverages or set-up buffet-style food services.

6.5.3.1 Employees are encouraged to bring lunch from home.

- 6.5.3.2 Employees must observe social distancing while eating meals.
- 6.5.4 The Authority will provide and maintain hand hygiene stations in the office, as follows:
  - 6.5.4.1 For handwashing: soap, running warm water, disposable paper towels, and a lined garbage can.
  - 6.5.4.2 For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
  - 6.5.4.3 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.
    - 6.5.4.3.1 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.
  - 6.5.4.4 Place covered-waste receptacles around the building for disposal of soiled items, including protective face covering and gloves.
- 6.5.4 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.
- 6.5.5 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.
  - 6.5.5.1 Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed.
  - 6.5.5.2 The Authority will ensure restrooms and high-touched areas are cleaned and disinfected more frequently, depending on use. High-touched areas include:

- 6.5.5.2.1 desk and chairs;
- 6.5.5.2.2 counters, tables and chairs;
- 6.5.5.2.3 door handles and push plates;
- 6.5.5.2.4 handrails;
- 6.5.5.2.5 kitchen and bathroom faucets;
- 6.5.5.2.6 appliance surfaces, knobs and handles;
- 6.5.5.2.7 light switches; handles on equipment (e.g., carts);
- 6.5.5.2.8 remote controls;
- 6.5.5.2.9 shared telephones;
- 6.5.5.2.10 shared computers, keyboards and mice;
- 6.5.5.2.11 shared electronics; and
- 6.5.5.2.12 copying machines.

6.5.6 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.

6.5.6.1 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.

6.5.6.2 The Authority will only use disinfectants [products registered in New York State Department of Environmental Conservation \(“DEC”\)](#) and identified by the EPA as effective against COVID-19.

6.5.7 The Authority will adhere to the following CDC guidelines on [“Cleaning and Disinfecting Your Facility”](#) if someone is suspected or confirmed to have COVID-19:

6.5.7.1 Close off areas used by the person who is suspected or confirmed to have COVID-19;

- 6.5.7.1.1 The Authority will not necessarily need to close operations, if it can close off the affected areas.
- 6.5.7.1.2 Shared building spaces used by the person suspected or confirmed to have COVID-19 (e.g. elevators, lobbies, building entrances) must also be shut down or cordoned off, then cleaned and disinfected in a coordinated manner.
  - 6.5.7.1.2.1 The Authority will contact Ellicott Development Corporation if a person who has been suspected or confirmed to have COVID-19 has had access to the Ellicott Square Building.
- 6.5.7.2 Open outside doors and windows to increase air circulation in the area;
- 6.5.7.3 Wait 24 hours before you clean or and disinfect. If 24 hours is not feasible, wait as long as possible;
- 6.5.7.4 Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19 who is sick, such as offices, bathrooms, common areas, and shared equipment;
- 6.5.7.5 Once the area has been appropriately cleaned and disinfected, it can be reopened for use;
  - 6.5.7.5.1 Employees without close contact with the person suspected or confirmed to have COVID-19 can return to the work area immediately after cleaning and disinfection.
  - 6.5.7.5.2 Per CDC contact tracing [guidance](#), close contact is defined as being within six feet for at least 15 minutes. When the extent of contact with the person suspected or confirmed to have COVID-19 is not clear, the local health department should be consulted for guidance. Persons who have had close contact will undergo a 14-day quarantine.
- 6.5.7.6 If more than seven days have passed since the person who is

suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.

## 6.6 **Health Screening and Testing**

- 6.6.1 The Authority's Director of Human Resources has been designated as the Authority's Health Safety Monitor whose responsibilities include continuous compliance with all aspects of the Authority's Health & Safety Plan.
  - 6.6.1.1 The Authority's Employee Benefits Specialist and its General Counsel has been designated as qualified to act as the Health Safety Monitor in the absence of the Director of Human Resources.
  - 6.6.1.2 The Health Safety Monitor will be the point of contact for Buffalo Medical Group ("BMG") and for any employee or visitor, who has not been cleared to report at a worksite due to a COVID-19 related issue.
  - 6.6.1.3 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.
- 6.6.2 The State Department of Health has mandated all businesses, including local governments and public authorities, must perform daily health screening of all employees working on-site or in the field and recommends employees be screened prior to entering a work site.
- 6.6.3 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.
  - 6.6.3.1 Employees who do not have access to such devices may use a "proxy" to access the web-based health screening portal.
  - 6.6.3.2 A proxy may be a family member, friend, co-worker or supervisor.
- 6.6.4 Supervisors 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.

- 6.6.5 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:
  - 6.6.5.1 knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19;
  - 6.6.5.2 tested positive for COVID-19 in the past 14 days; and/or
  - 6.6.5.3 has experienced any symptoms of COVID-19 in the past 14 days.
- 6.6.6 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.
  - 6.6.6.1 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 BMG.
  - 6.6.6.2 After speaking with the employee or visitor, BMG 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.
- 6.6.7 If employees answer in the affirmative to any COVID-19 screening questions, the health screening portal will instruct these employees to remain home and not to report to work.
  - 6.6.7.1 Such employees will not return to work until cleared by BMG.
  - 6.6.7.2 BMG will provide these employees with information on healthcare and testing resources.
- 6.6.8 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.

- 6.6.9 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 the worksite or area.
- 6.6.9.1 Log should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19. The Authority will cooperate with the Erie County Department of Health in its contact tracing efforts.
- 6.6.9.2 The Authority, however, will not be required to log deliveries that are performed with appropriate PPE or through contactless means.
- 6.6.10 The Authority and its employees will take the following actions related to COVID-19 symptoms and contact:
- 6.6.10.1 If an employee has COVID-19 symptoms and *either* tests positive for COVID-19 *or* did not receive a test, the employee may only return to work after completing a 14-day self-quarantine.
- 6.6.10.2 If an employee does *not* have COVID-19 symptoms *but* tests positive for COVID-19, the employee may only return to work after completing a 14-day self-quarantine.
- 6.6.10.3 If an employee has had close contact with a person with COVID-19 for a prolonged period and is symptomatic, the employee should notify their employer and will remain home and not return to work until completing a 14-day self-quarantine.
- 6.6.10.4 If an employee has had close contact with a person with COVID-19 for a prolonged period and is *not* symptomatic, the employee must notify a supervisor and the Health Safety Monitor. After consulting with BMG, 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:
- 6.6.10.4.1 **Regular monitoring:** As long as 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.

6.6.10.4.2 **Wear a mask:** The employee should always wear a face mask while in the workplace for 14 days after last exposure.

6.6.10.4.3 **Social distance:** Employee should continue social distancing practices, including maintaining, at least, six feet of distance from others.

6.6.10.4.4 **Disinfect and clean workspaces:** Continue to clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely.

6.6.10.5 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.

6.6.11 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 CDC and DOH standards, the Erie County Department of Health will determine whether the employee may work with additional precautions to mitigate the risk of COVID-19 transmission.

## 6.7 **Tracing and Tracking**

6.7.1 The Authority will notify the Erie County Department of Health and the New York State Department of Health immediately upon being informed of any positive COVID-19 test result by an employee.

6.7.1.1 In the case of an employee or visitor testing positive, the Authority will cooperate with the Erie County Department of Health as required to trace all contacts in the workplace.

6.7.1.1.1 The Erie County Department of Health must be notified of all individuals who entered the worksite dating back 48 hours before the employee or visitor first experienced COVID-19 symptoms or tested positive, whichever is earlier.

6.7.1.1.2 Confidentiality will be maintained as required by federal and state law and regulations.

6.7.1.2 In the case of an employee who works or has been present at the Ellicott Square Building and who is showing COVID-19 symptoms or has tested positive, the Authority is required to give notice to the building owner, Ellicott Development Corporation, and provide information as to where the individual has been within the building and if the symptomatic employee has tested positive.

6.7.1.3 The Erie County Department of Health will implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.

6.7.1.4 Individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of the alert and shall not be permitted to remain or return to the worksite until they have completed quarantine

## 6.8 Communications

6.8.1 The Authority will continue to post COVID-19 information on its website.

6.8.1.1 Information posted on the website will include:

6.8.1.1.1 The Declaration Emergency, as amended.

6.8.1.1.2 List of contractors, consultants and vendors, providing essential services to the Authority;

6.8.1.1.3 Employee notices and alerts including a notice as to what services are available to employees from Buffalo Medical Group;

6.8.1.1.4 Customer alerts; and

6.8.1.1.5 Links to other relevant COVID-19 websites.

6.8.1.2 The Authority, in consultation with e3 Communications, will alert customers, using customer-provided email addresses,

Facebook and Twitter, as to operational changes relating to customer service, billing, emergency repairs and other matters related to, or impacted by, the COVID-19 pandemic.

6.8.2 Employees will be emailed a copy of the Declaration of Emergency, as amended.

6.8.2.1 The Director of Human Resources, upon request, will also provide copies of the Declaration of Emergency to union representatives, employees, visitors or other interested parties.

6.8.2.2 The Engineering Department and the Director of Administration will provide a copy of this Declaration of Emergency to any consultant, contractor, subcontractor, or vendor, required to conduct services at one of the Authority's facilities or worksites.

6.8.2.2.1 Pursuant to the Authority's practices and procedures, 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.

6.8.2.2.2 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.

6.8.2.2.3 The Security Officer 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.

6.8.3 The Health Safety Monitor and the Authority's Security Officer will ensure proper signage and markers are placed at all Authority worksites.

## **Section 7. Emergency Procurements**

7.1 Consistent with the Executive Orders issued by the Governor, the Director of Administration and/or Comptroller may make emergency procurements, subject to the approval of the Chief Financial Officer, while the Authority is operating under this Declaration of Emergency.

7.2 For purposes of this Declaration of Emergency, an emergency procurement means the purchase of supplies, materials, commodities, technology and services, which are needed to ensure the continuing operation of the Authority, or are necessary for the health, safety and welfare of its employees or its customers.

7.3 Pursuant to Executive Order No. 202.6, the Governor has exempted vendors from the mandatory workforce reduction directives, if the vendor provides essential services or products, including logistics and technical support to ensure the continuing operation of essential governmental services relating to the health, safety, and welfare of the public.

7.4 Standard procurement practices and procedures are suspended to the extent necessary to complete an emergency procurement.

7.5 All emergency procurements must be reported to the Board at its next regularly scheduled meeting.

## **Section 8. Execution of Contracts**

8.1 Pursuant to Article V, § 2, the Authority's Chair "shall sign and execute all contracts in the name of the Authority" when so authorized by resolution.

8.2 The adoption of this Declaration of Emergency, by resolution, authorizes the Chair or in his absence, the Vice Chair to sign all contracts approved by resolution or a contract relating to an emergency procurement.

8.3 Pursuant to Executive Order 202.7, any notarial action is authorized to be performed utilizing audio-video technology. The Assistant to the Secretary Trish Fabozzi is authorized to notarize any contract using the following procedure:

8.3.1 Any person seeking notary services from Ms. Fabozzi, if not personally known to Ms. Fabozzi, must present a valid photo ID during an audio-video conference;

8.3.2 The audio-video conference must allow for direct interaction between the person and Ms. Fabozzi;

- 8.3.3 The person must affirmatively represent that he/she is physically situated in the State of New York;
- 8.3.4 The person must transmit by electronic means a legible copy of the signed document to Ms. Fabozzi on the same day it was signed;
- 8.3.5 Ms. Fabozzi may notarize the transmitted copy of the document and transmit the same back to the person; and
- 8.3.6 Ms. Fabozzi may repeat the notarization of the original signed document as of the date of execution, provided that Ms. Fabozzi receives such original signed documents together with the electronically notarized copy within thirty (30) days after the date of execution.

8.4 The parties to any Authority contract may agree in writing to accept electronic signature pages, signed in conformity with the provisions of this section as if those pages were signed in person before a notary.

8.5 Any means recommended by the Authority's IT Department may be used to conduct an audio-video conference and to carry out the provisions set forth in this section.

### **Section 9. Check Processing of Customer Refunds and Accounts payable**

9.1 The Comptroller, subject to the approval of the Chief Financial Officer, is authorized to issue payment for customer refunds and for accounts payable without prior Board approval, while the Authority is operating under this Declaration of Emergency.

9.2 All such payments must be reported to the Board at its next regularly scheduled meeting.

### **Section 10. Suspension of Certain Tariff Provisions**

10.1 The Board directs the restoration of water services upon the request of any water customer whose services have been terminated or otherwise shut off.

10.2 The Board waives any provisions contained in its Tariff relating to charges for the restoration of services conducted on or after March 17, 2020 while the Authority is operating under this Declaration of Emergency.



10.3 No water services will be shut off or terminated while the Authority is operating under this Declaration of Emergency.

10.4 While this Declaration of Emergency is in effect, the Authority will not be handling postcards with meter readings and will be using estimated readings for billing purposes.

10.5 Effective March 23, 2020, the Authority suspends for a ninety (90) day period those provisions of the Authority's Tariff relating to late fees.

10.6 The Authority will not impose a late charge on any water bill issued during this ninety (90) day period ("forbearance period").

10.7 In the discretion of the Chief Financial Officer, this forbearance period may be extended while the Authority is operating under this Declaration of Emergency.

### **Section 11. Suspension of Certain Open Meetings Rules**

11.1 Pursuant to Executive Law No. 202.1, the Governor has suspended Article 7 of the Public Officers Law, "to the extent necessary to permit any public body to meet and take such actions authorized by law without permitting the public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

11.2 While this Declaration of Emergency remains in effect, the Board will endeavor to convene its regularly scheduled meetings or any special meeting, in a manner consistent with Executive Order No. 202.2 or any subsequent order or directive issued by the Governor pursuant to Executive Law § 24.

11.3 If a regularly scheduled meeting lacks a quorum while this Declaration of Emergency remains in effect, the Division Heads may act in the Board's absence to conduct business on that day in a deliberative meeting for purposes of reviewing and approving Board agenda items.

11.3.1 A meeting of the Division Heads authorized under this section is a public meeting pursuant to Article 7 of the Public Officers Law and must be conducted in conformity with Executive Order 202.2 or any subsequent order or directive issued by the Governor pursuant to Executive Law § 24.

11.3.2 The Secretary of the Authority will chair such a meeting. In his absence, the Chief Operating Officer will act as the Chair.

11.3.3 Three Division Heads constitute a quorum.

11.3.4 No action may be taken unless a favorable vote of three Division Heads is recorded.

11.3.5 If a Board agenda item is not approved, the item may be introduced at a subsequent Board meeting.

11.3.6 While this Declaration of Emergency remains in effect, the Board Chair may suspend the following provisions of the Authority's Open Meeting Law Policy & Procedures:

11.3.6.1 Section 4 relating to public access to such meeting;

11.3.6.2 Section 6 relating to public expression; and

11.3.6.5 Section 10 relating to public expression.

11.3.7 All remaining provisions within the Authority's Open Meeting Law Policy & Procedure will remain in effect.

## **Section 12: Enforcement Period**

12.1 The effective date of this Declaration of Emergency is March 17, 2020.

12.2 This Declaration of Emergency will remain in effect ~~until September 7, 2020~~ so long as the State of Emergency declared by the Governor through Executive Order remains in effect, unless terminated by Board resolution.

12.3 This Declaration of Emergency may be extended by the Board or by the Division Heads if the Board is unable to establish a quorum at a regularly scheduled Board meeting.

12.4 A copy of this Declaration of Emergency, while it remains in effect, shall be conspicuously posted and remain on the Authority's website.

**IN THE PRESENCE OF THE SECRETARY OF THE AUTHORITY**, the following Commissioners have duly approved in the City of Buffalo on the ~~27~~<sup>18</sup>~~th~~ day of ~~August~~<sup>June</sup> in the year 2020 the Declaration of Emergency, by signing and directing the Secretary to affix the Seal of the Erie County Water Authority on the Declaration of Emergency.

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JEROME D. SCHAD, Chair

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MARK S. CARNEY, Vice Chair

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PEGGY A. LaGREE, Treasurer