



ADMINISTRATION COMMITTEE AGENDA

November 29, 2022

Time: 4:00 p.m. / Location: In-Person

Admin Members: J. Copanas – Chair, J. Driscoll, R. Raman,
D. Lawless, C. Dunham

PRESENT DISCUSSION ITEMS:

1. Nominating Committee Report – **Resolution**
2. Worker's Compensation Renewal – **Resolution**
3. Purchase of Office Furniture - **Resolution**
4. Harassment Policy – **Resolution**
5. Drug and Alcohol Policy - **Resolution**
6. Third Quarter Investment Report - **Attachment**
7. Reserve Funds – **Attachment / Discussion**
8. Small Contracts – **Discussion / Handout**

UPCOMING DISCUSSION ITEMS:

RESOLUTION ELECTING OCRRA OFFICERS FOR 2023

WHEREAS, the Onondaga County Resource Recovery Agency is authorized pursuant to Public Authorities Law Section 2045-a (2) to appoint a Chair, a Vice Chair, and a Treasurer from among the members of the Board and to designate a non-member as an Agency Secretary; and

WHEREAS, the Nominating Sub-Committee did recommend to the Administration Committee at its November 29, 2022 meeting the following slate of officers, in which the Administration Committee concurred, to be appointed to a one (1) year term beginning January 1, 2023: _____, Chair; _____, Vice Chair; _____, Treasurer, _____, non-Board Member, as Agency Secretary and _____ as Assistant Agency Secretary; now, therefore be it

RESOLVED, that the following three Board Members elected today by ballot are hereby appointed to act as Officers of this Agency for a one (1) year term pursuant to the terms set forth in the Onondaga County Resource Recovery Agency By-Laws commencing January 1, 2023 and the Agency Secretary and Assistant Agency Secretary are appointed for a like term:

Ballot Vote Count

Chair:

Votes Approving _____ for Chair _____

Vice Chair: Votes Approving _____ for Vice Chair _____

Treasurer:

Votes Approving _____ for Treasurer: _____

Secretary:

Votes Approving _____ for Agency Secretary and _____

_____ as Assistant Agency Secretary: _____

This Resolution shall take effect January 1, 2023.

Resolution Adoption Date: _____

Signed: _____

**RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO
PURCHASE WORKERS' COMPENSATION INSURANCE POLICY
FOR THE AGENCY FOR A ONE (1) YEAR PERIOD**

WHEREAS, the Onondaga County Resource Recovery Agency's Administration Committee wishes to obtain a Workers' Compensation Insurance policy to properly insure Agency activities including administration, transfer and transport operations, recycling, and compost operations for a one (1) year period beginning January 1, 2023; and

WHEREAS, the Administration Committee has determined that it is in the Agency's best interest to remain in the current Public Employer Risk Management Association, Inc. (PERMA) Workers' Compensation Insurance Coverage Plan. The projected premium of \$260,000 covers the period of January 1, 2023 through December 31, 2023; now, therefore, be it

RESOLVED, that the Agency's Executive Director is authorized to enter into a contract with Public Employer Risk Management Association, Inc. (PERMA) for Workers' Compensation Insurance for the period January 1, 2023 through December 31, 2023 at a premium not to exceed \$260,000 including New York State assessment. This Resolution shall take effect immediately.

Resolution Adopted Date: _____

Vote: **Ayes:** _____ **Nays:** _____ **Abstentions:** _____

Signed: _____

Quote Date: 11/14/2022

Member Number: WC 0001103-22

Broker of Record:

Onondaga County Resource Recovery Agency
100 Elwood Davis Road
North Syracuse, NY 13212

No Broker of Record
Please Contact PERMA Directly
PO Box 12250
Albany, NY 12212

First Dollar Indication

Coverage Period: 1/1/2023 - 12/31/2023

PERMA Pay Plan

Pay Plan Description
Annual Billing

Description	Due at Inception
Contribution	\$250,900.00
New York State Assessment	\$7,501.00
Total	\$258,401.00

Invoice Schedule	Amount
Due Date	
1/1/2023 Installment 1	\$258,401.00
Total	\$258,401.00

**RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO
PURCHASE OFFICE FURNITURE**

WHEREAS, the Onondaga County Resource Recovery Agency is presently occupying office space at 100 Elwood Davis Road, under a multi-year Lease with Upstate Portfolio, LLC, which lease was recently extended to Jun 30, 2027 per Resolution No. 2356 of 2022; and

WHEREAS, the landlord has agreed to improve the space by including the construction of a new conference room and other related office improvements; and

WHEREAS, Syracuse Office Environments, of Syracuse, NY, holds a state contract to provide office furniture and workstations; and

WHEREAS, the Administration Committee has reviewed the proposals totaling \$37,233.25, with pricing per the New York State contract and has found them acceptable; now therefore be it

RESOLVED, that the Agency's Executive Director is authorized to enter into a contract with Syracuse Office Environments, of Syracuse, NY, for the purchase of office furniture and workstations, in an amount not to exceed \$37,235, pursuant to all terms and conditions of the New York State Contract. This Resolution shall take effect immediately.

Resolution Adopted Date: _____

Vote: **Ayes:** _____ **Nays:** _____ **Abstentions:** _____

Signed: _____



syracuse office
environments

Proposal

Syracuse Office Environments
375 Erie Blvd W
Syracuse, NY 13202
Phone: 315.476.9091
www.soesyr.com

Order Number	8243
Date	10/26/2022
Customer PO No	
Customer Name	OCRRA
Salesperson	Connor Ganley
Project Number	
Terms	NET 15
Page	1 of 4

T OCRRA
O 100 ELWODD DAVIS DRIVE
NORTH SYRACUSE, NY 13212

ATTN: ACCOUNTS PAYABLE

S OCRRA
H 100 ELWODD DAVIS DRIVE
I NORTH SYRACUSE, NY 13212
P

T
O ATTN: MAUREEN NOSIK
Phone: 315-295-0730

Prepared for : Connor Ganley

RE: NEW SEATING

PRICING PER HON NYS CONTRACT – PC68432

PLEASE MAKE PO OUT TO:

HON
C/O SOE
200 OAK STREET
MUSCATINE IA 52761

Group	Quantity	Description	Unit Price	Extended Amount
B	1.0	TAG: AREA 4 - BREAKROOM	1,110.58	1,110.58

Line	Quantity	Description	Unit Price	Extended Amount
1	2.00 Each	HMS1--.N-.BU-.P7A Motivate High Density Stacker-Sled Base-Set/4 .N:Arm- No Arm .BU:Surf .P7A:Textured Charcoal Tag: Tag TG: AREA 4- BREAK R	367.46	734.92
2	2.00 Each	HMG5--.N-.F-.BU-.P7A Motivate 4-Leg Cafe Ht Stool .N:Arm- No Arm .F:Felt Glide .BU:Surf .P7A:FRAME- Textured Charcoal Tag: Tag TG: AREA 4- BREAK R	187.83	375.66

Group	Quantity	Description	Unit Price	Extended Amount
C	1.0	TAG: AREA 5 - RECEPTION	263.20	263.20

Line	Quantity	Description	Unit Price	Extended Amount
3	1.00 Each	HSLVTMM--.Y1-.A-.H-.IT-\$(1)-.CU-19-.TL-.SB-.TI Solve Task Mid Back Mesh Back .Y1:Ctrl: SynchroTilt w/ SeatSlide .A:Arm: Height/Width Adjustable .H:Hard Caster	263.20	263.20



syracuse office
environments

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375 Erie Blvd W
Syracuse, NY 13202
Phone: 315.476.9091
www.soesyr.com

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Customer Name	OCRRA
Salesperson	Connor Ganley
Project Number	
Terms	NET 15
Page	3 of 4

6	1.00 Each	INSIDE DELIVERY	1,494.21	1,494.21
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Order Sub-Total : \$9,795.43

TOTAL ORDER : \$9,795.43

PLEASE REVIEW THIS QUOTATION AND NOTIFY US PROMPTLY OF ANY CORRECTIONS REQUIRED THANK YOU FOR THE OPPORTUNITY TO BE OF SERVICE

For Leasing Options Scan QR Code





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www.soesyr.com

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Page	1 of 12

T OCRRA
O 100 ELWODD DAVIS DRIVE
NORTH SYRACUSE, NY 13212

ATTN: ACCOUNTS PAYABLE

S OCRRA
H 100 ELWODD DAVIS DRIVE
I NORTH SYRACUSE, NY 13212
P

T
O ATTN: MAUREEN NOSIK
Phone: 315-295-0730

Prepared for : Connor Ganley

RE: NEW FURNITURE

PRICING PER HAWORTH NYS CONTRACT – PC68345

PLEASE MAKE PO OUT TO:
HAWORTH
C/O SOE
ONE HAWORTH CENTER
HOLLAND MI 49423

Group	Quantity	Description	Unit Price	Extended Amount
A	1.0	TAG: AREA 1-2-3	2,949.26	2,949.26

Line	Quantity	Description	Unit Price	Extended Amount
1	2.00 Each	JPAH-24-S8--TR-J-,LR-BP X Series,Pedestal,Attached,B/B/F,24"D,PtdDrwFrt, Stl Lkrl,Linear Pull ,TR-J:GRAPHITE, GRADE A ,LR-BP:CHROME, GRADE A Tag: Tag TG: AREA 1-2-3	269.55	539.10
2	1.00 Each	JPAJ-24-S8--TR-J-,LR-BP X Series,Pedestal,Attached,F/F,24"D,PtdDrwFrt, Stl Lkrl,Linear Pull ,TR-J:GRAPHITE, GRADE A ,LR-BP:CHROME, GRADE A Tag: Tag TG: AREA 1-2-3	242.19	242.19
3	1.00 Each	JPMA-24-S8--TR-J-,LR-BP X Series,Pedestal,Mobile,B/F,24"D,PtdDrwFrt, Stl Lkrl,Linear Pull,Cstr,Stl Top ,TR-J:GRAPHITE, GRADE A ,LR-BP:CHROME, GRADE A Tag: Tag TG: AREA 1-2-3	262.92	262.92
4	2.00 Each	LSET-1--LX-BP HW,Lock Set, Keyed Alike,Lock Plug And Key, Qty Of 1 ,LX-BP:CHROME, GRADE A Tag: Tag TG: AREA 1-2-3	0.00	0.00
5	1.00 Each	LSET-2--LX-BP HW,Lock Set, Keyed Alike,Lock Plug And Key, Qty Of 2 ,LX-BP:CHROME, GRADE A Tag: Tag TG: AREA 1-2-3	0.00	0.00
6	1.00 Each	TCRA-3672-LJSNEG4--H-KP-,HP-KP-,TR-J Jive,Tbl,Rect,Lam,36"x72",Eb3,Std,Co:none,Post - Extruded,Gld,29"h ,H-KP:FIELD ELM, GRADE B ,HP-KP:FIELD ELM, GRADE A	363.89	363.89



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Page	11 of 12

		Case Color:,TR-J:GRAPHITE GRD A Door Front Color 1A:,H-KP:FIELD ELM GRD B Door Edge Color:,HP-KP:FIELD ELM GRD A Lock Color:,LR-BP:CHROME GRD A Tag: Tag TG: AREA 7 -CONF RM		
112	1.00 Each	JTPL-1872-JYJYS-,H-3J-,HP-3J X Series, Common Top, Prd Frnt, Lam Top, 18.75Dx72W, 3mm Plstc Ustr, 1mm LH,3mm Bck,1mm RH ,H-3J:GRAPHITE, GRADE A ,HP-3J:GRAPHITE, GRADE A Tag: Tag TG: AREA 7 -CONF RM	227.22	227.22
113	10.00 Each	TCRA-3060-LJSNFF4A--,H-KP-,HP-KP-,TR-E Jive,Tbl,Rect,Lam,30"x60",Eb3,Std,Co:none,T - Rd,Gld/Flip,29"h,Ptd ,H-KP:FIELD ELM, GRADE B ,HP-KP:FIELD ELM, GRADE A ,TR-E:SMOKE, GRADE A Tag: Tag TG: AREA 7 -CONF RM	489.53	4,895.30

Individual Items		4,185.43
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Line	Quantity	Description	Unit Price	Extended Amount
114	1.00 Each	INSIDE DELIVERY	4,185.43	4,185.43

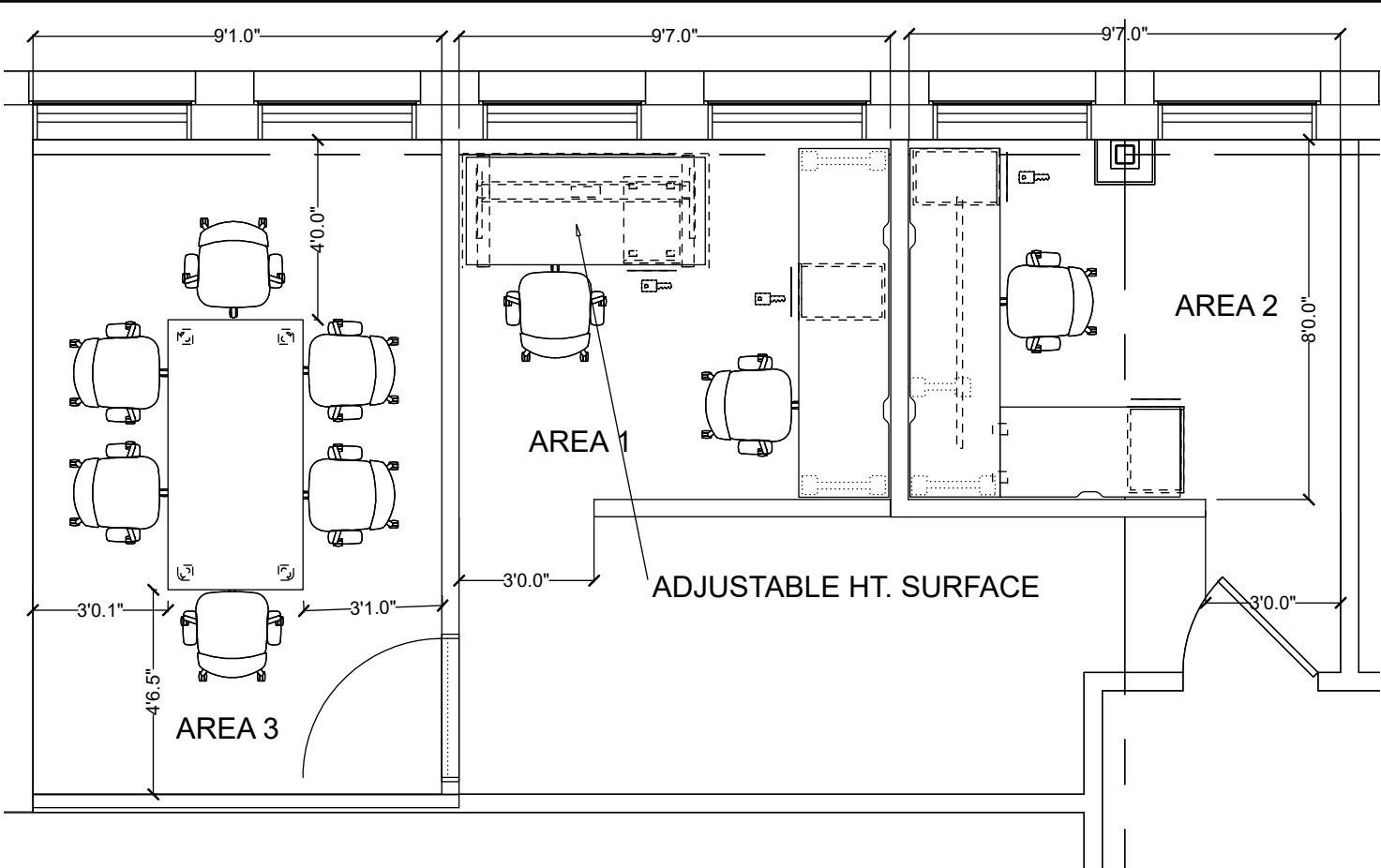
Order Sub-Total : \$27,437.82

TOTAL ORDER : \$27,437.82

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AREA 3

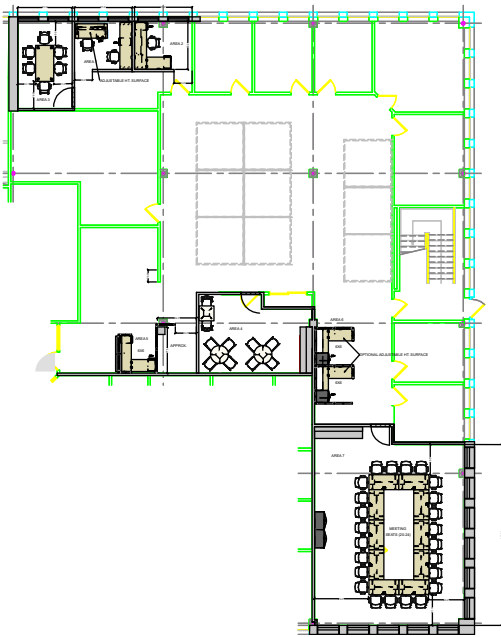
RENDERINGS FOR
REPRESENTATION ONLY,
ALL FINISHES TO BE
DETERMINED



AREA 1



AREA 2



KEYPLAN



syracuse office environments
375 Erie Blvd. West
Syracuse, NY 13202
office 315.476.9091

PROJECT NUMBER:

SOE22-418

QUOTE NUMBER:

0

ORDER NUMBER:

0

CUSTOMER CONTACT:

OCCRA
100 ELMWOOD DAVIS DRIVE
NORTH SYRACUSE, NY

CUSTOMER LOCATION:

OCCRA
100 ELMWOOD DAVIS DRIVE

DESIGNER CONTACT:

MONICA EMMI
MEMMI@SOESYR.COM

SALES CONTACT:

CONNOR GANLEY
CGANLEY@SOESYR.COM

REVISION DATE:

10/13/2022

PLOT SIZE:

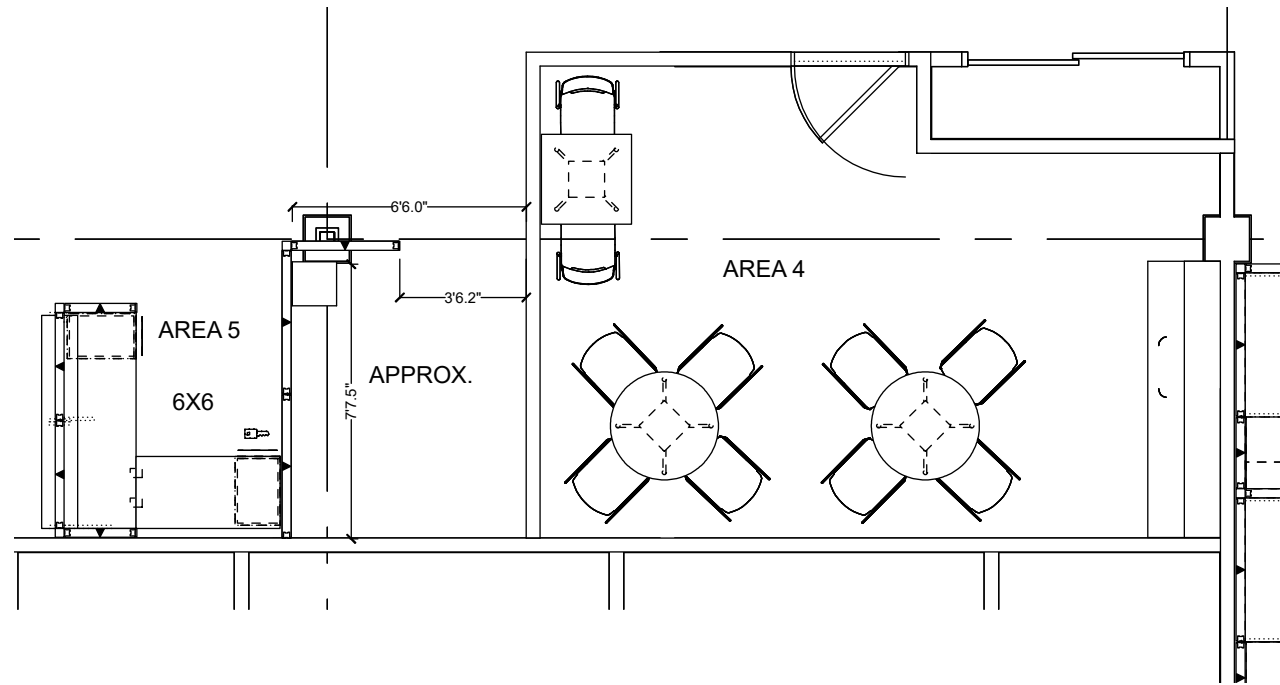
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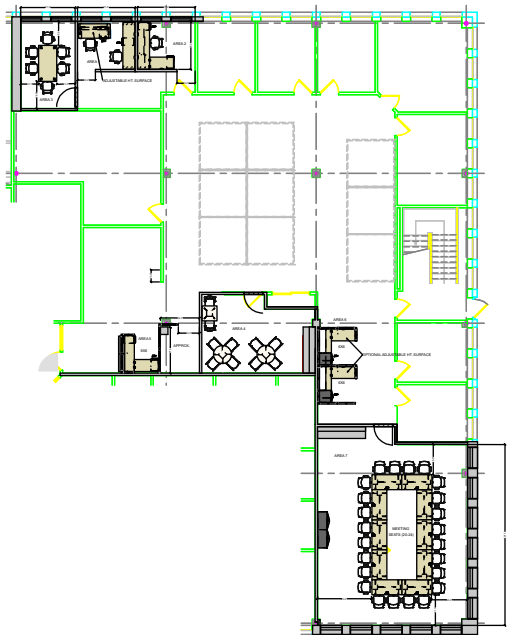
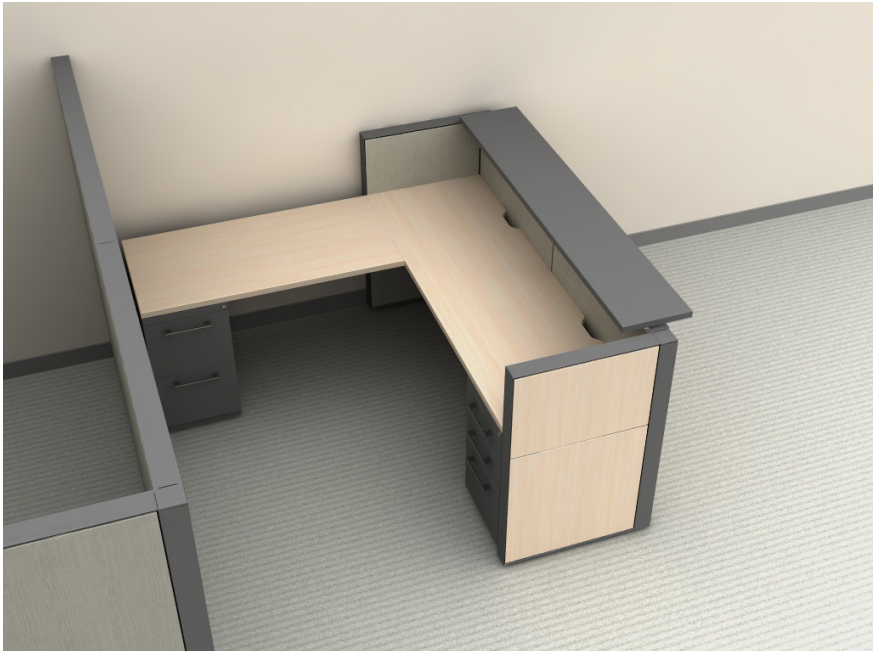
RENDERINGS FOR
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AREA 4



AREA 5



KEYPLAN



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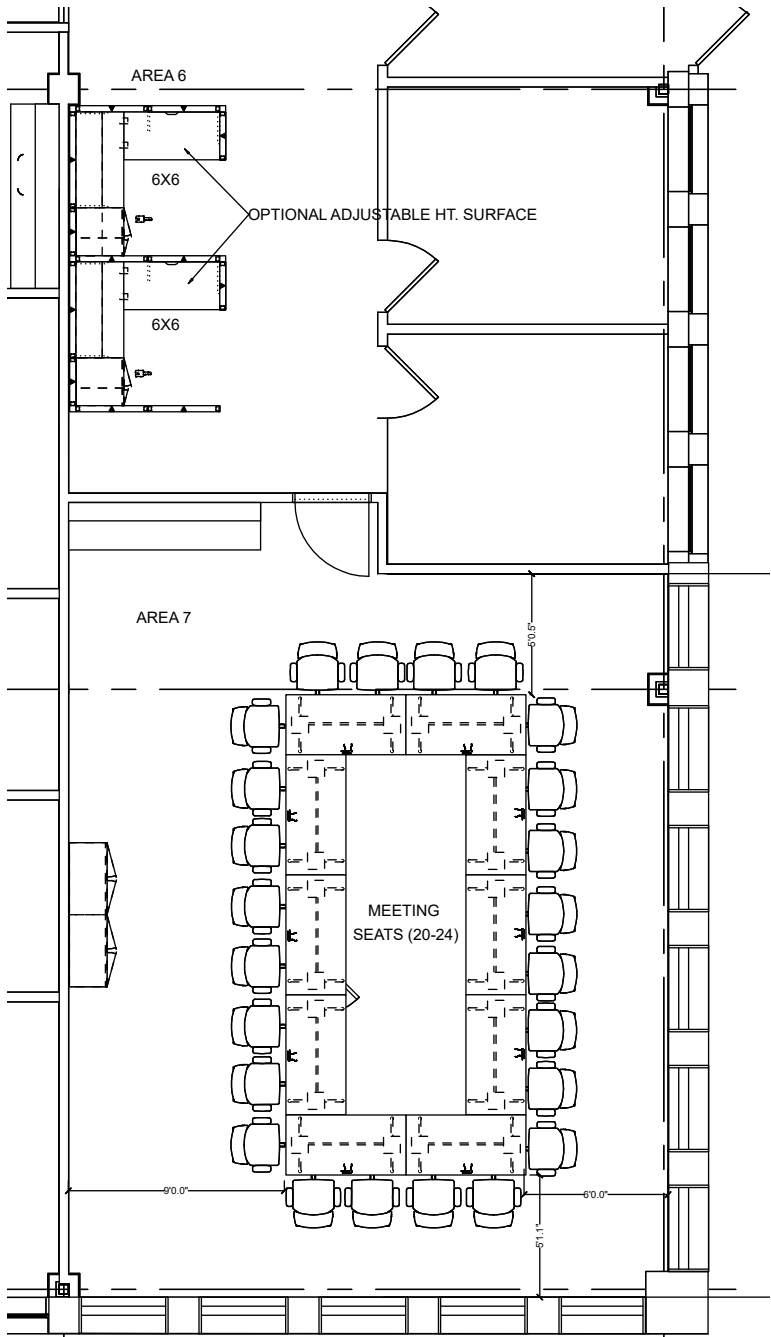
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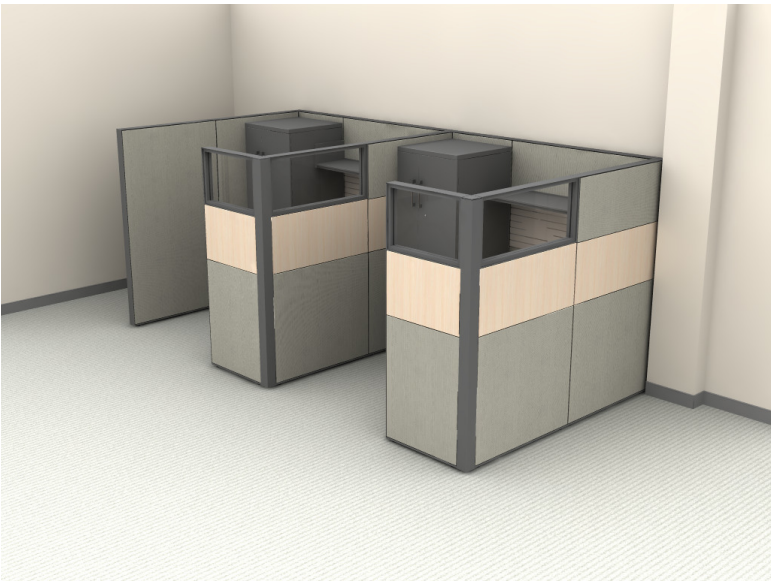
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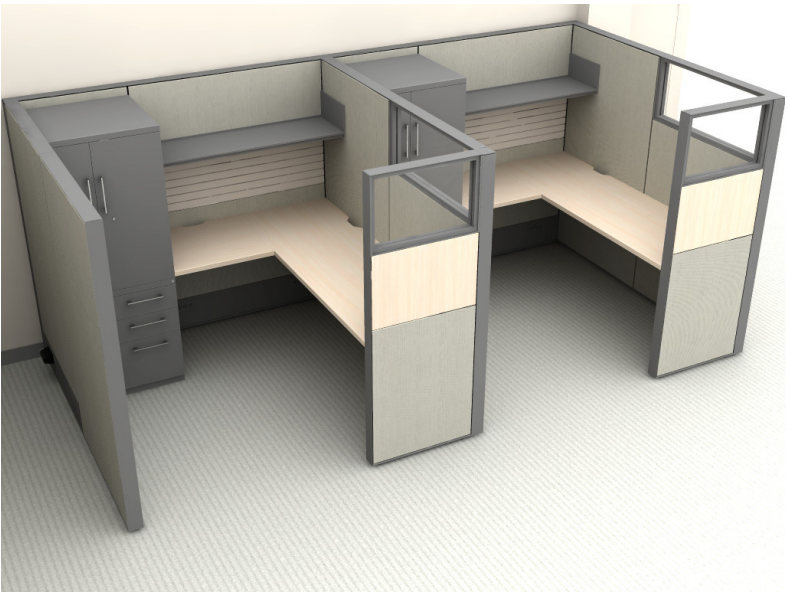
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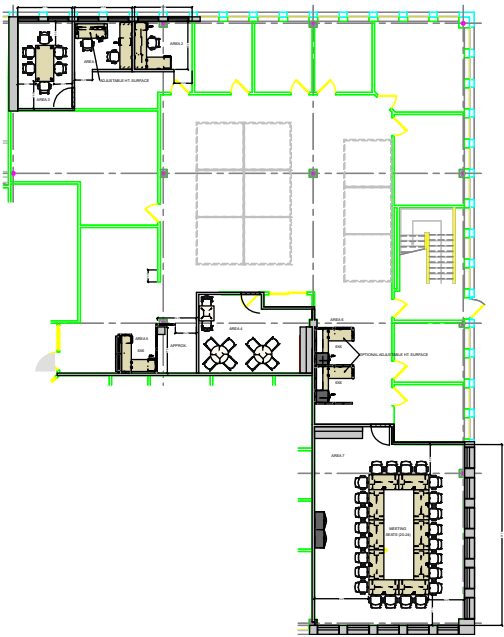
AREA 6



PANELS 66"h



AREA 7 TABLES 30" X 60"



KEYPLAN



syracuse office environments
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CGANLEY@SOESYR.COM

REVISION DATE:

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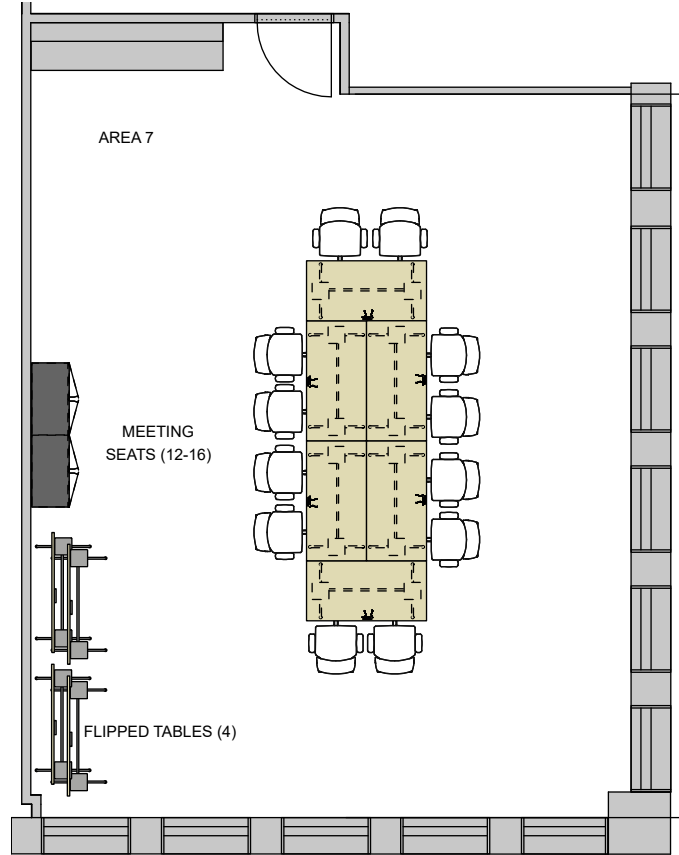
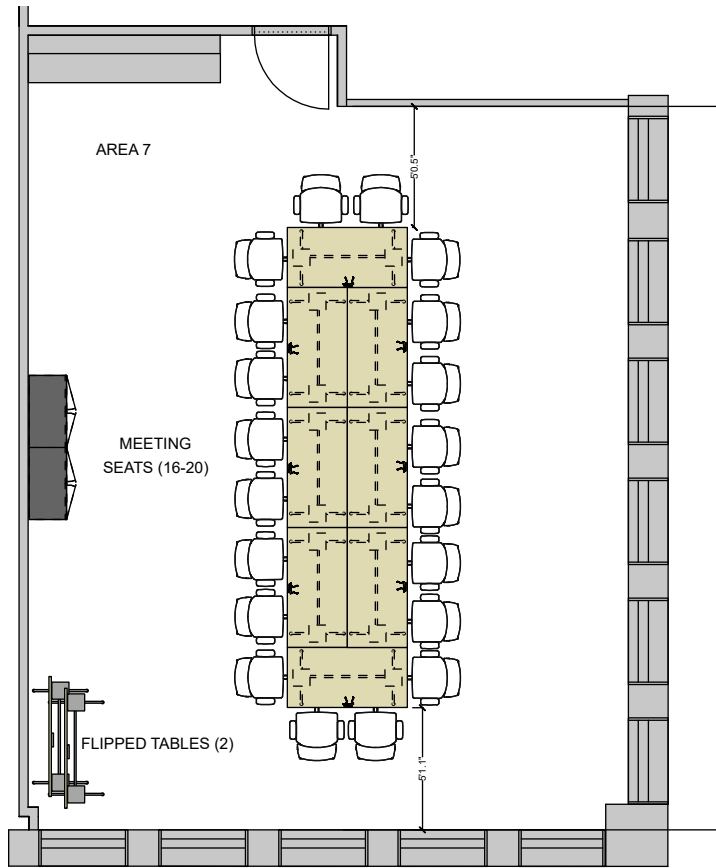
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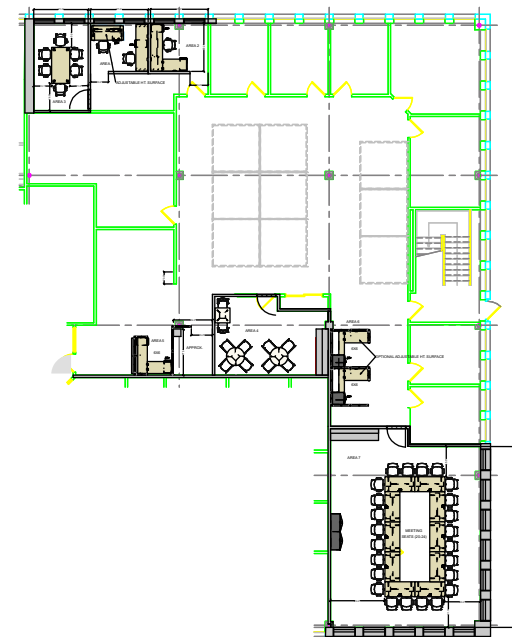
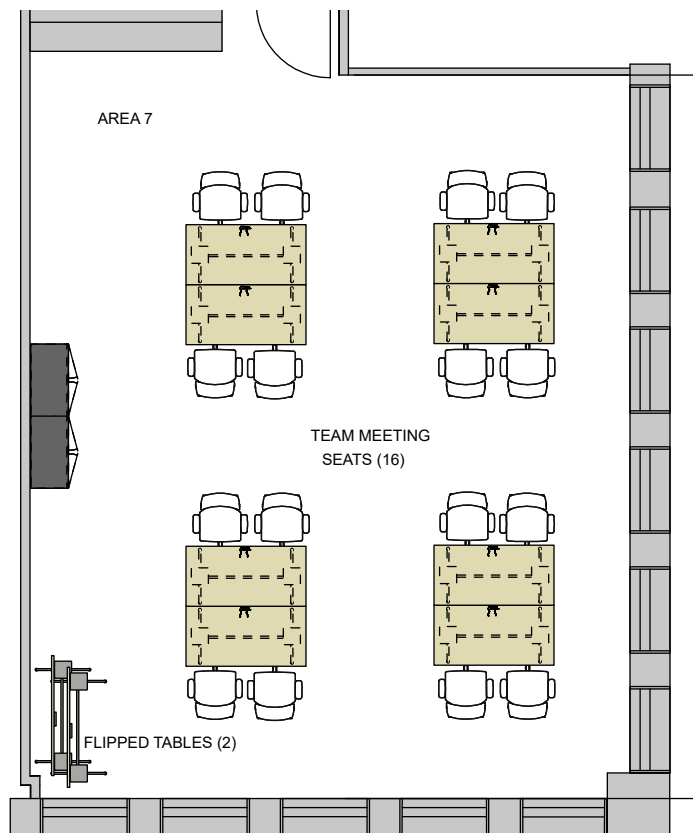
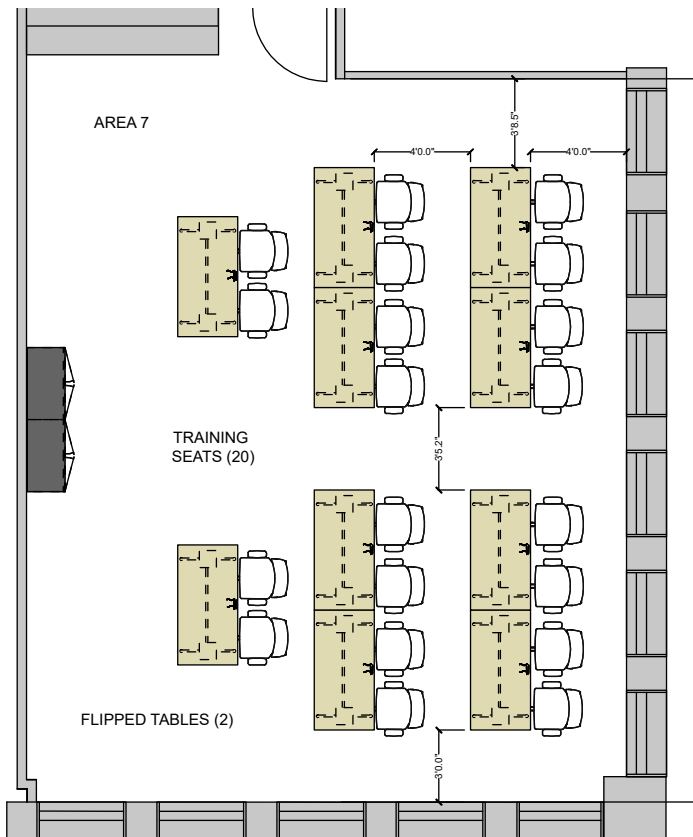
YES ☐ NO ☐

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ADDITIONAL LAYOUTS FOR CONFERENCE RM.



KEYPLAN



syracuse office environments
375 Erie Blvd. West
Syracuse, NY 13202
office 315.476.9091

PROJECT NUMBER:

SOE22-418

QUOTE NUMBER:

0

ORDER NUMBER:

0

CUSTOMER CONTACT:

OCCRA
100 ELMWOOD DAVIS DRIVE
NORTH SYRACUSE, NY

CUSTOMER LOCATION:

OCCRA
100 ELMWOOD DAVIS DRIVE

DESIGNER CONTACT:

MONICA EMMI
MEMMI@SOESYR.COM

SALES CONTACT:

CONNOR GANLEY
CGANLEY@SOESYR.COM

REVISION DATE:

10/13/2022

PLOT SIZE:

11X17

SITE VERIFIED:

YES ☐ NO ☐

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**RESOLUTION AUTHORIZING FURTHER AMENDMENT TO
APPENDIX D OF THE AGENCY'S EMPLOYEE HANDBOOK – Relating
to the Agency's Workplace Harassment Policy**

WHEREAS, the Onondaga County Resource Recovery Agency did, pursuant to Resolution No. 304 of January 13, 1993, adopt a Workplace Harassment Policy; and

WHEREAS, the Agency last Amended the Agency's Workplace Harassment Policy by Amending Appendix D of the Employee Handbook by Resolution No. 2161 of November 14, 2018; and

WHEREAS, the Agency now wishes to further update Appendix D of the Employee Handbook dealing with the Agency's Workplace Harassment Policy in order to comply with current New York State required anti-harassment policies as set forth in the attached proposed revised Agency Employee Handbook Appendix D sections; and

WHEREAS, the Administration Committee has reviewed the attached revised provisions relating to the Agency's Workplace Harassment Policy in Appendix D of the Agency Employee Handbook and has recommended to amend the Agency Employee Handbook accordingly; now, therefore, be it

RESOLVED, that the Onondaga County Resource Recovery Agency does hereby adopt the attached proposed revisions as a further Amendment to Appendix D of the Agency's Employee Handbook relating to the Agency's Workplace Harassment Policy and agrees to modify that Appendix as proposed. These revisions shall become effective on January 1, 2023.

Resolution Adopted Date: _____

Vote: Ayes: _____ **Nays:** _____ **Abstentions:** _____

Signed: _____

APPENDIX D

HARASSMENT-FREE WORKPLACE POLICY

Purpose and Scope

The purpose of this policy is to foster a safe and productive work environment by encouraging courteous communications and professional demeanor within the Agency. The Onondaga County Resource Recovery Agency will not condone or tolerate any conditions of a discriminatory, harassing nature. This policy applies to all employees, applicants for employment, interns, contractors and persons conducting business with the Onondaga County Resource Recovery Agency.

Policy Statement

It is the policy of the Onondaga County Resource Recovery Agency to prohibit harassment or other discrimination on the basis of race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence. This policy is meant to deal with discriminatory harassment that might occur against Agency employees and interns, customers and contractors who do business with Agency employees and Agency visitors, in any location where Agency business is conducted. Employees are encouraged to freely raise issues and concerns on an individual basis with their supervisors or with members of management as to any matter that they find offensive, inappropriate, or unacceptable in our Agency workplace. Discriminatory harassment can be based on race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence. The Agency will not tolerate any discriminatory verbal or physical conduct by any Agency employee that harasses, disrupts, or interferes with the work performance of another Agency employee, customer, contractor or visitor, or which creates an intimidating, offensive or hostile work environment. Any such discriminatory harassment will be considered employee misconduct and a violation of the Agency's Work Rules. Failure by an Agency employee to adhere to this strict policy against discriminatory harassment may be grounds for immediate termination. The Agency will also not tolerate third party harassment in which any of our employees are subjected to harassment by a customer, client or visitor to the Agency. Discriminatory harassment by an Agency employee or by others may be a violation of the New York State Human Rights Law as well as the Federal Civil Rights Act of 1964, which can subject a violator to stiff disciplinary action and/or legal sanctions.

Note: The Agency's internal discrimination harassment complaint procedure does not interfere with or supersede the right of Agency employees to file complaints with the New York State Division of Human Rights ("DHR"), the U.S. Equal Employment Opportunity Commission ("EEOC") or any other authorized government agency.

Complaints with the DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the Human Rights Law

(“HRL”), **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to OCRRA does not extend your time to file with DHR or in court. The one to three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after the hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney’s fees and civil fines.

DHR’s main office contact is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458, (718) 741-8400, in Syracuse: 333 E Washington St., Rm 543 Syracuse, NY 13202, (315) 428-4633, or www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR’s regional offices across New York State.

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Federal Civil Rights Act (codified as 42 U.S.C. §2000e et seq.) An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in Federal Court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in Federal Court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will also file the complaint with the EEOC to preserve the right to proceed in Federal Court.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department or call 911.

What is Harassment Under This Policy?

Sexual harassment includes deliberate or repeated unsolicited verbal innuendoes or comments, gestures or physical contact of a sexual nature which are unwelcome. Displays of sexually explicit or suggestive objects, pictures or material; sexually degrading words used to describe an individual, lewd jokes, acts of aggression, intimidation, hostility, rudeness, name calling and other types of abusive conduct which create an intimidating, hostile, or offensive environment can be sexual harassment. Unwelcome sexual advances; flirtations or propositions; requests for sexual favors; graphic or suggestive comments about an individual's dress or body; or requiring an Agency employee to submit to verbal or physical conduct of a sexual nature as an explicit or implicit term or condition of employment can also be sexual harassment. Similarly, sexual harassment may include conduct that has the purpose or effect of substantially interfering with an affected employee's work performance or creating an intimidating, hostile or offensive work environment. Sexual harassment, as defined above, can also be perpetrated on an Agency employee by a customer, client or visitor. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are travelling for business or at employer sponsored events or parties. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Racial and national origin harassment or discrimination are defined as racial or ethnic slurs, racial or ethnic jokes or other intimidating, hostile or offensive verbal or physical conduct relating to a person's race or national origin. The term race shall include traits historically associated with race, including but not limited to, hair texture and protective hairstyles. The term "protective hairstyles" shall include, but not be limited to, such hairstyles as braids, locks, and twists.

Religious harassment or discrimination is defined as religious slurs, jokes, comments or ridicule which is antagonistic towards one's religious beliefs, preferences or affiliation. It may also involve religious inducement or any mandatory religious activity. Examples of religious harassment include, but are not limited to, harassment of an employee because they wear religious clothing, such as a cross around the neck, continual mocking of an employee's religious convictions or intentionally using offensive language in order to mock one's religious beliefs.

Age harassment or discrimination involves slurs, jokes, comments or ridicule of a harassing or humiliating nature that is aimed at an employee's age. Age discrimination may include comments regarding an employee's ability to perform his/her work due to age or causing literature to be continuously received by an employee which is related to one's age and may cause hostility or humiliation.

Disability harassment or discrimination is defined as actions or comments of a harassing, humiliating or discriminatory nature which target an employee's physical handicap or disability.

Sexual orientation harassment or discrimination is defined as comments of a harassing nature, jokes, or other intimidating, hostile or offensive verbal or physical conduct relating to a person's sexual orientation.

Gender identity or expression harassment or discrimination is defined as comments of a harassing nature, jokes, or other intimidating, hostile or offensive verbal or physical conduct relating to a person's gender identity or expression.

Military status harassment or discrimination includes comments or action of a derogatory or discriminatory nature relating to employees participation or service in the military service of the United States, New York State or the National Guard or Reserves.

Familial status harassment or discrimination is defined to include discrimination or harassment against any person who is pregnant or is in the process of securing legal custody of a child under the age of 18.

Predisposing genetic characteristic harassment or discrimination includes discrimination of harassment against an individual whose genetic makeup may predispose them to disease, disability, mental illness or physical development problems.

Harassment or discrimination against a victim of domestic violence can occur when an employee who is a victim of an act which would constitute a family offense is harassed or discriminated against.

Marital status harassment or discrimination means harassment or discrimination based upon an employee's marital status.

Arrest or conviction record discrimination is discrimination in hiring, based upon an individual's arrest or conviction record unless that record is directly related to the requirements or responsibilities of the job in question or the hiring of an individual with such a record would create an unreasonable risk to the safety of people or property.

Retaliation Prohibition

No person covered by this policy shall be subject to adverse employment actions including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. OCRRA will not tolerate such retaliation against anyone who, in good faith complains or provides information about suspected harassment. Any employee of OCRRA who retaliates against anyone involved in a harassment investigation will be subject to disciplinary action, up to and including termination of employment. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes that they have been subject to such retaliation should inform the Personnel Analyst or a supervisor, the Business Officer or the Agency Executive Director. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums outlined above.

Updated 08/14/2019

OCRRA EMPLOYEE'S HARASSMENT COMPLAINT REPORT FORM

Complete and submit to your supervisor, department head, Personnel Analyst, Business Officer, or the Executive Director.

- If you have any questions in completing this form, please contact the Personnel Analyst for assistance.

Name of Employee _____ Date Submitted _____

Job Title _____ Work Area _____

Supervisor _____

Please check the applicable box:

I hereby complain that I have been subjected to harassment or discrimination based on:

- | | |
|---|---|
| <input type="checkbox"/> age | <input type="checkbox"/> disability |
| <input type="checkbox"/> sex | <input type="checkbox"/> third-party sexual harassment |
| <input type="checkbox"/> racial | <input type="checkbox"/> national origin |
| <input type="checkbox"/> religion | <input type="checkbox"/> sexual orientation |
| <input type="checkbox"/> marital status | <input type="checkbox"/> familial status |
| <input type="checkbox"/> military status | <input type="checkbox"/> my arrest or conviction record |
| <input type="checkbox"/> I am a victim of domestic violence | <input type="checkbox"/> predisposing genetic characteristics |
| | <input type="checkbox"/> gender identity or expression |

Nature of Complaint:

Date of the event _____

Parties Involved _____

Please explain what happened _____

Complainant's Signature _____

Office Use Only

Date Received _____

Receiver's Initials _____

AGENCY PROCEDURES FOR COMPLAINTS OF HARASSMENT

Any employee who believes that the actions or words of a supervisor, fellow employee, third party customer, client or visitor constitute harassment on the basis of race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence harassment should report such conduct to his or her supervisor, department head, Personnel Analyst, Business Officer or to the Executive Director of the Agency as soon as possible. Management and supervisors are required to report any complaint that they receive, or any harassment that they observe, to either the department head, the Personnel Analyst, the Business Officer or Executive Director.

An employee may make a complaint by taking any of the following steps:

1. **Make a Verbal Report of Harassment:** Persons wishing to report suspected harassment under this policy may make a verbal report of such conduct to his or her supervisor, department head, Personnel Analyst, Business Officer or to the Executive Director of the Agency. Persons receiving verbal complaints of harassment should request the reporter to complete a written complaint as described below but remain obligated to investigate the complaint whether or not a written complaint is filed.
2. **Complete a Harassment Complaint Report Form:** This should be filled out within ten working days of the event or your discovery of the event that is related to the complaint. (The form may be obtained in your local office's break room).
3. **Submit the Complaint Form:** Complaint may be filed with any of the following individuals: your supervisor, department head, Personnel Analyst, Business Officer or the Executive Director of the Agency.

Investigation

OCRRA will conduct a prompt, thorough and, to the extent possible, confidential, investigation of all complaints of harassment in a manner that affords due process to all parties. Effective corrective action will be taken whenever harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any investigation of harassment.

While the process may vary from case to case, investigations should be conducted in accordance with the following steps:

- Upon receipt of complaint, [person or office designated] will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- Determine whether the complaint should be investigated internally or whether it is necessary to have a third party conduct the investigation. This determination should be made with consideration of the parties involved in the complaint, the nature of the alleged harassment and any other factors that could impact confidence in the investigation process.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written investigation report (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination (whether the complaint was sustained or not).
- Implement any corrective actions identified in the investigation report.
- Provide the individual who reported of the right to file a complaint or charge externally as outlined in the next section

Disciplinary Procedure

Following an investigation, any department head, supervisor, agent or other employee found to have engaged in any type of harassment of another employee in violation of the Agency's Policy shall be subject to disciplinary action according to Agency Work Rules, up to and including termination.

If a complaint alleges third party sexual harassment by a customer, client or visitor to the Agency, immediate and corrective action that may be available will be taken to eliminate such conduct.

Review of Agency Decision

If the complaining Agency employee is not satisfied with the outcome, the employee may request within ten work days of the completion of the investigation review of the investigation by the Agency's Executive Director. The Executive Director shall promptly review the investigation and may, if requested, meet with the employee to discuss the findings, determination, and, to the extent appropriate and consistent with Agency policies and procedures and applicable law and collective bargaining agreements, any corrective action taken by the Agency as a result of the investigation.

IAPPENDIX D

HARASSMENT-FREE WORKPLACE POLICY

Purpose and Scope

The purpose of this policy is to ~~provide-foster~~ a safe and productive work environment by encouraging courteous communications and ~~maintaining-a~~ professional demeanor with ~~in~~ the Agency. The Onondaga County Resource Recovery Agency will not condone or tolerate any conditions of a discriminatory, harassing nature. This policy applies to all employees, applicants for employment, interns, contractors and persons conducting business with the Onondaga County Resource Recovery Agency.

Policy Statement

It is the policy of the Onondaga County Resource Recovery Agency to prohibit harassment or other discrimination on the basis of race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence. This policy is meant to deal with discriminatory harassment that might occur against ~~an~~ Agency employees and interns, customers and contractors who do business with Agency employees and Agency visitors, in any location where Agency business is conducted. Employees are encouraged to freely raise issues and concerns on an individual basis with their supervisors or with members of management as to any matter that they find offensive, inappropriate, or unacceptable in our Agency workplace. Discriminatory harassment can be based on race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence. The Agency will not tolerate any discriminatory verbal or physical conduct by any Agency employee that harasses, disrupts, or interferes with ~~another Agency employee's-the~~ work performance of another Agency employee, customer, contractor or visitor, or which creates an intimidating, offensive or hostile work environment. Any such discriminatory harassment will be considered employee misconduct and a violation of the Agency's Work Rules. Failure by an Agency employee to adhere to this strict policy against discriminatory harassment may be grounds for immediate termination. The Agency will also not tolerate third party harassment in which any of our employees are subjected to harassment by a customer, client or visitor to the Agency. Discriminatory harassment by an Agency employee or by others may be a violation of the New York State Human Rights Law as well as the Federal Civil Rights Act of 1964, which can subject a violator to stiff disciplinary action and/or legal sanctions.

Note: The Agency's internal discrimination harassment complaint procedure does not interfere with or supersede the right of Agency employees to file complaints with the New York State Division of Human Rights ("DHR"), the U.S. Equal Employment Opportunity Commission ("EEOC") or any other authorized government agency.

Complaints with the DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the Human Rights Law

("HRL"), **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to OCRRA does not extend your time to file with DHR or in court. The one to three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after the hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458, (718) 741-8400, in Syracuse: 333 E Washington St., Rm 543 Syracuse, NY 13202, (315) 428-4633, or www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Federal Civil Rights Act (codified as 42 U.S.C. §2000e et seq.) An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in Federal Court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in Federal Court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will also file the complaint with the EEOC to preserve the right to proceed in Federal Court.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department or call 911.

What is Harassment Under This Policy?

Sexual harassment includes deliberate or repeated unsolicited verbal innuendoes or comments, gestures or physical contact of a sexual nature which are unwelcome. Displays of sexually explicit or suggestive objects, pictures or material; sexually degrading words used to describe an individual, lewd jokes, acts of aggression, intimidation, hostility, rudeness, name calling and other types of abusive conduct which create an intimidating, hostile, or offensive environment can be sexual harassment. Unwelcome sexual advances; flirtations or propositions; requests for sexual favors; graphic or suggestive comments about an individual's dress or body; or requiring an Agency employee to submit to verbal or physical conduct of a sexual nature as an explicit or implicit term or condition of employment can also be sexual harassment. Similarly, sexual harassment may include conduct that has the purpose or effect of substantially interfering with an affected employee's work performance or creating an intimidating, hostile or offensive work environment. Sexual harassment, as defined above, can also be perpetrated on an Agency employee by a customer, client or visitor. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are travelling for business or at employer sponsored events or parties. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Racial and national origin harassment or discrimination are defined as racial or ethnic slurs, racial or ethnic jokes or other intimidating, hostile or offensive verbal or physical conduct relating to a person's race or national origin. The term race shall include traits historically associated with race, including but not limited to, hair texture and protective hairstyles. The term "protective hairstyles" shall include, but not be limited to, such hairstyles as braids, locks, and twists.

Religious harassment or discrimination is defined as religious slurs, jokes, comments or ridicule which is antagonistic towards one's religious beliefs, preferences or affiliation. It may also involve religious inducement or any mandatory religious activity. Examples of religious harassment include, but are not limited to, harassment of an employee because they wear religious clothing, such as a cross around the neck, continual mocking of an employee's religious convictions or intentionally using offensive language in order to mock one's religious beliefs.

Age harassment or discrimination involves slurs, jokes, comments or ridicule of a harassing or humiliating nature that is aimed at an employee's age. Age discrimination may include comments regarding an employee's ability to perform his/her work due to age or causing literature to be continuously received by an employee which is related to one's age and may cause hostility or humiliation.

Disability harassment or discrimination is defined as actions or comments of a harassing, humiliating or discriminatory nature which target an employee's physical handicap or disability.

Sexual orientation harassment or discrimination is defined as comments of a harassing nature, jokes, or other intimidating, hostile or offensive verbal or physical conduct relating to a person's sexual orientation.

Gender identity or expression harassment or discrimination is defined as comments of a harassing nature, jokes, or other intimidating, hostile or offensive verbal or physical conduct relating to a person's gender identity or expression.

Military status harassment or discrimination includes comments or action of a derogatory or discriminatory nature relating to employees participation or service in the military service of the United States, New York State or the National Guard or Reserves.

Familial status harassment or discrimination is defined to include discrimination or harassment against any person who is pregnant or is in the process of securing legal custody of a child under the age of 18.

Predisposing genetic characteristic harassment or discrimination includes discrimination of harassment against an individual whose genetic makeup may predispose them to disease, disability, mental illness or physical development problems.

Harassment or discrimination against a victim of domestic violence can occur when an employee who is a victim of an act which would constitute a family offense is harassed or discriminated against.

Marital status harassment or discrimination means harassment or discrimination based upon an employee's marital status.

Arrest or conviction record discrimination is discrimination in hiring, based upon an individual's arrest or conviction record unless that record is directly related to the requirements or responsibilities of the job in question or the hiring of an individual with such a record would create an unreasonable risk to the safety of people or property.

Retaliation Prohibition

No person covered by this policy shall be subject to adverse employment actions including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. OCRRA will not tolerate such retaliation against anyone who, in good faith complains or provides information about suspected harassment. Any employee of OCRRA who retaliates against anyone involved in a harassment investigation will be subject to disciplinary action, up to and including termination of employment. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes that they have been subject to such retaliation should inform the Personnel Analyst or a supervisor, the Business Officer or the Agency Executive Director. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums outlined above.

Updated 08/14/2019

OCRRA EMPLOYEE'S HARASSMENT COMPLAINT REPORT FORM

Complete and submit to your supervisor, department head, Personnel Analyst, Business Officer, or the Executive Director.

- If you have any questions in completing this form, please contact the Personnel Analyst for assistance.

Name of Employee _____ Date Submitted _____

Job Title _____ Work Area _____

Supervisor _____

Please check the applicable box:

I hereby complain that I have been subjected to harassment or discrimination based on:

- | | |
|---|---|
| <input type="checkbox"/> age | <input type="checkbox"/> disability |
| <input type="checkbox"/> sex | <input type="checkbox"/> third-party sexual harassment |
| <input type="checkbox"/> racial | <input type="checkbox"/> national origin |
| <input type="checkbox"/> religion | <input type="checkbox"/> sexual orientation |
| <input type="checkbox"/> marital status | <input type="checkbox"/> familial status |
| <input type="checkbox"/> military status | <input type="checkbox"/> my arrest or conviction record |
| <input type="checkbox"/> I am a victim of domestic violence | <input type="checkbox"/> predisposing genetic characteristics |
| | <input type="checkbox"/> gender identity or expression |

Nature of Complaint:

Date of the event _____

Parties Involved _____

Please explain what happened _____

Complainant's Signature _____

Office Use Only

Date Received _____
Receiver's Initials _____

AGENCY'S PROCEDURES FOR REPORTING COMPLAINTS OF HARASSMENT

Any employee who believes that the actions or words of a supervisor, fellow employee, third party customer, client or visitor constitute harassment on the basis of race, sex, religion, color, national origin, disability, age, marital status, sexual orientation, gender identity or expression, familial status, military status, arrest or conviction record, predisposing genetic characteristics, or if they are a victim of domestic violence harassment should report such conduct to his or her supervisor, department head, Personnel Analyst, Business Officer or to the Executive Director of the Agency as soon as possible. Management and supervisors are required to report any complaint that they receive, or any harassment that they observe, to either the department head, the Personnel Analyst, the Business Officer or Executive Director.

An employee may ~~file~~make a complaint by taking any of the following steps:

1. Make a Verbal Report of Harassment: Persons wishing to report suspected harassment under this policy may make a verbal report of such conduct to his or her supervisor, department head, Personnel Analyst, Business Officer or to the Executive Director of the Agency. Persons receiving verbal complaints of harassment should request the reporter to complete a written complaint as described below but remain obligated to investigate the complaint whether or not a written complaint is filed.

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2. Complete a Harassment Complaint Report Form: This should be filled out within ten working days of the event or your discovery of the event that is related to the complaint. (The form may be obtained in your local office's break room).

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3. Submit the Complaint Form: Complaint may be filed with any of the following individuals: your supervisor, department head, Personnel Analyst, Business Officer or the Executive Director of the Agency.

Investigation

OCRRA will conduct a prompt, thorough and to the extent possible, confidential, investigation of all complaints of harassment in a manner that ensures affords due process for to all parties, ~~whenever it receives a complaint about harassment or otherwise knows of possible harassment occurring.~~ Effective corrective action will be taken whenever harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any ~~internal~~ investigation of harassment.

While the process may vary from case to case, investigations should be conducted in accordance with the following steps:

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- Upon receipt of complaint, [person or office designated] will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If

complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- Determine whether the complaint should be investigated internally or whether it is necessary to have a third party conduct the investigation. This determination should be made with consideration of the parties involved in the complaint, the nature of the alleged harassment and any other factors that could impact confidence in the investigation process.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written investigation report (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination (whether the complaint was sustained or not).
- Implement any corrective actions identified in the investigation report.
- Provide the individual who reported of the right to file a complaint or charge externally as outlined in the next section

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Disciplinary Procedure

Following an investigation, any department head, supervisor, agent or other employee found to have engaged in any type of harassment of another employee in violation of the Agency's Policy shall be subject to disciplinary action according to Agency Work Rules, up to and including termination.

If a complaint alleges third party sexual harassment by a customer, client or visitor to the Agency, immediate and corrective action that may be available will be taken to eliminate such conduct.

Review of Agency Decision

If the complaining Agency employee is not satisfied with the outcome, the employee may notify request the Agency's Executive Director within ten work days of the completion of the investigation review of the investigation by the Agency's Executive Director. The Executive Director shall promptly review the investigation and may, if requested, meet with and a meeting

~~will be scheduled between the employee and the Agency's Executive Director to discuss the findings, determination, and, to the extent appropriate and consistent with Agency policies and procedures and applicable law and collective bargaining agreements, the appropriateness of the disciplinary any corrective action, if any, taken by the Agency as a result of the investigation.~~

**RESOLUTION UPDATING AND AMENDING THE AGENCY ALCOHOL
AND SUBSTANCE ABUSE POLICY**

WHEREAS, the Onondaga County Resource Recovery Agency first adopted an Agency Alcohol and Substance Abuse Policy by Resolution No. 158 of 1991; and

WHEREAS, the current Agency Alcohol and Substance Abuse Policy is contained in Appendix G to the Agency Employee Handbook; and

WHEREAS, the Agency now wishes to Amend Appendix G to update the Agency Alcohol and Substance Abuse Policy to comply with current Federal and New York State laws, rules and regulations; and

WHEREAS, the Administration Committee of the Agency has reviewed the attached revised provisions to Appendix G of the Agency Employee Handbook and has recommended to Amend Appendix G accordingly; now therefore, be it

RESOLVED, that the Onondaga County Resource Recovery Agency does hereby adopt the attached proposed revisions to Appendix G of the Agency Employee Handbook relating to the Agency Alcohol and Substance Abuse Policy and agrees to modify that appendix as proposed. These revisions shall become effective January 1, 2023.

Resolution Adopted Date: _____

Vote: Ayes: _____ **Nays:** _____ **Abstentions:** _____

Signed: _____

Proposed Policy

APPENDIX G

ONONDAGA COUNTY RESOURCE RECOVERY AGENCY **ALCOHOL AND SUBSTANCE ABUSE POLICY**

Purpose

The Onondaga County Resource Recovery Agency, in fulfilling its mission to provide solid waste management services to the public, relies on its employees to carry out important daily activities in a conscientious manner. The Agency recognizes that alcohol and substance abuse can impair the safety and health of our employees as well as the safety of the public present in the environment where they work. This Policy provides procedures to address these important issues and to satisfy the Agency's obligations under applicable state and federal law and regulations.

Policy Statement

It is the Policy of the Onondaga County Resource Recovery Agency ("Agency") that the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of a controlled substance, drugs, or drug-related paraphernalia and/or alcohol by Agency employees during working hours, in the workplace, in Agency motor vehicles, in personal vehicles while on Agency business or on Agency premises is strictly prohibited.

Scope

This Policy has been developed in the interest of maintaining a safe working environment for all of our employees, and for the public. This Policy applies to all Agency employees during their work hours at all work sites of the Agency as well as landfills, highways and other locations where bargaining unit and non-bargaining unit employees are functioning in their capacity as Agency employees. The sections of this Policy requiring random testing and procedures following positive random tests apply to all Agency employees holding a commercial drivers license or whose job duties require the performance of safety sensitive functions.

Prescription Drug Use

It is recognized that employees may be able to work safely and effectively while taking most medications prescribed by a physician; however, the abuse of a prescribed controlled substance is prohibited. If an employee is taking such a prescription medication he/she may wish to notify their supervisor in the event that side effects of the medicine are observed or appear in any Agency drug and/or alcohol testing program.

Employee Assistance Program

The Agency maintains a confidential Employee Assistance Program ("EAP") (see Appendix J) in order to help employees and their dependents who suffer from drug and/or alcohol abuse. However, it is the responsibility of each employee to seek assistance from the EAP before drug or alcohol problems lead to disciplinary actions. Once a violation of this Policy occurs, an employee's subsequent use of the EAP will not necessarily lessen disciplinary action.

An employee's decision to seek prior assistance from the EAP will not be used as the basis for disciplinary action. On the other hand, using the EAP will not be a defense to imposition of disciplinary action where facts establishing a violation of this Policy are obtained outside of the EAP or if an employee's conduct constitutes a violation of Agency Work Rules as set forth in Appendix C of the Employee Handbook.

As part of the Agency's Drug and Alcohol Testing Policy, employees who have completed six months of active employment who subsequently test positive for a controlled substance in random testing or who voluntarily advise Agency management that they are experiencing a problem with drug and alcohol abuse will be given an opportunity to participate in an Employee Assistance Program. Those who do not accept counseling and/or rehabilitation in a supervised alcohol or substance abuse program approved or acceptable to the Agency physician/MRO, or who fail to comply with and complete the recommended treatment or test positive after an accident or for cause test are subject to immediate termination. Medical records pertaining to employee treatment will be handled with confidentiality.

Definitions

Alcohol

Alcohol is the intoxicating agent in beverage alcohol (ethyl alcohol), as well as methyl and isopropyl alcohol.

Controlled Substance

A controlled substance includes both illegal drugs and also legal drugs, the latter when taken in excess or without a prescription and has the meaning as defined by 21 CFR (Code of Federal Regulations) Section 802. Controlled substances include all substances listed on Schedules I through V of 21 CFR Section 1308, as revised from time to time. Illegal drugs are those, the taking or possession of which, is prohibited by government statute and/or regulation.

Drug

A drug is any chemical substance other than alcohol, that produces physical, mental, emotional or behavioral change in the user and includes any controlled substance as defined in 49 CFR Part 40 and 49 CFR section 391.85.

Drug and Alcohol Screening

Drug and alcohol screening is a method of detecting the presence or absence of drugs in the urine or alcohol in the breath. When a drug is present, the screening test can also establish the probable identity of this drug.

Impaired Behavior

Impaired behavior is conduct that indicates an employee cannot perform the normal tasks required in his or her employment with the Agency. Among other things, impaired behavior can be evidenced by:

- Unusual physical characteristics (impaired movement, drowsiness, confusion, chronic hyperactivity; slurred, thick, loud speech; red, watery, droopy eyes or dilated pupils; redness of face)
- Decreased work efficiency
- Increased irritability, loss of temper
- Distinctive odor of intoxicants
- Recurring accidents or negligence on the job
- Repeated attendance problems (increased tardiness, absenteeism, leaving work early)

Medical Review Officer

Medical Review Officer (MRO) means a licensed medical doctor with knowledge of drug abuse disorders that is used by the Agency to conduct drug testing in accordance with this Policy.

Safety Sensitive Position

Safety Sensitive Position is any Agency job where the employee operates a motor vehicle, mobile equipment or compactor or where the employee directs vehicular traffic.

Substance Abuse

Substance abuse means any use of a chemical substance such as alcohol or a controlled substance which, in a recurrent or progressive way, adversely affects the individual, co-workers, or society.

Testing Procedures - General

Chain of custody documentation for test samples from drug and alcohol screening will be maintained to support any disciplinary action and to provide a paper trail showing the possession of samples through the course of its handling. It will begin at the point where specimens are obtained and include measures to prevent samples from being switched, diluted or otherwise altered. The Agency observes the split sample method for drug screening.

Drug screening will be conducted for the following drugs or their metabolites:

- * Marijuana (only for applicants/employees holding a commercial drivers license)
- * Cocaine
- * Opiates (Opoids)
- * Amphetamines
- * Phencyclidine

Alcohol screening will be conducted by an evidential breath testing device.

Analytical methods are particularly important in the process of drug detection for an existing employee. False positives and negatives are possible, especially for marijuana, and positive tests for existing employees will be confirmed by use of GC/MS (Gas Chromatography/Mass Spectroscopy) methods.

I. POST-OFFER DRUG AND ALCOHOL USE SCREENING

An **applicant** post-offer drug and alcohol screening program will be implemented in accordance with the following guidelines:

A. Notification to Applicants

The employment application including a Notification and Release Statement will be filled out and signed by the applicant and will be a part of the applicant's pre-employment record.

Applicants will be notified prior to their post-offer physical examination that drug screening will be carried out. In addition, they will be informed that evidential breath testing for alcohol levels will be utilized.

The applicant must give permission to the physician to release the test results to the Personnel Analyst of the Agency.

Applicants will be notified of their right to refuse testing, in which case the post-offer physical examination will be terminated and the offer of employment withdrawn.

Post-offer candidates must certify that all data provided in regard to their alcohol and drug history and current use patterns are accurate to the best of their knowledge. Misrepresentation or deliberate omission of information, when detected, will be reported to the Agency. If discovered subsequent to hiring, it will be a basis, at that time, for termination of the employee.

The alcohol and drug screening procedures described above will be in effect as an integral part of the regular post-offer physical examination.

B. Program Elements

Alcohol and drug use testing and evaluations will be in addition to the normal dimensions of a complete physical examination. The alcohol and drug use evaluation will consist of:

1. A urine test that is screened for various drugs as noted in Appendix 1.
2. Evidential breath testing (EBT) for alcohol will be conducted at that time.

C. Testing Guidelines

Urine Testing

1. Urine specimens will be collected by the designated Agency Physician/MRO, when possible.
2. All urine specimens will be processed by the same laboratory. This will allow for maximum consistency and quality control.

The operational procedures for processing urine samples are outlined in the Chain of Custody Procedure. This includes specific procedures for a chain of custody that guarantees that urine samples from point of collection to the reporting of results are properly linked with the applicant who provided the sample.

3. All urine samples will be tested for the following drugs: marijuana, cocaine, opiates, amphetamines, phencyclidine.
4. Preliminary and confirmatory tests will be used. All urine samples will be examined initially using an immunoassay analysis. All positive results reported through the preliminary analysis will be confirmed with a more accurate technique before a specimen is

classified as positive. The technology used for confirmation will be Gas Chromatography/Mass Spectrometry (GC/MS).

5. Specimens which test positive on both the preliminary analysis and the confirmatory test will be classified as positive and the results will be reported by the laboratory to the Agency's physician/MRO.

A positive preliminary analysis and negative confirmatory test will be reported as a negative result.

A negative preliminary analysis need not be confirmed and will be reported by the MRO as a negative result.

6. If a result is positive, then the candidate's medical history will be reviewed by the MRO for valid medical conditions and medications that might explain the result.

If the MRO finds that the results are compatible with a valid medical explanation, the candidate will be classified as eligible for employment in the normal manner and no one outside of the Personnel Analyst will be notified of the positive test.

The MRO must tell the candidate they will have seventy-two (72) hours following notice of a verified positive test result in which to request a test of the split specimen. This specimen may be sent to a laboratory of the applicant's choice for separate testing to confirm a positive result.

If no valid medical explanation is obtained, the positive result will be reported to the Personnel Analyst and the candidate will be referred to the Personnel Analyst. The offer of employment will be withdrawn.

If a job candidate requests to know why the offer of employment has been withdrawn, and it is because of a positive result for drug or alcohol use, the Agency Personnel Analyst will so inform the applicant.

If the hiring supervisor wishes to know why a candidate that was offered employment had the offer withdrawn, the supervisor will be informed that the applicant did not pass the physical examination.

The positive results of the drug or alcohol screening as well as the documents confirming the positive results of the drug/alcohol

screening will be maintained as part of the candidate's confidential medical record by the designated Agency Physician/MRO.

Alcohol Testing

1. An evidential breath testing device will be used to determine the alcohol concentration in the applicant's breath. The test must be performed by a certified breath alcohol technician ("BAT").
2. Preliminary and confirmatory testing will be used. If the candidate's alcohol concentration level is .02 or higher, a confirmatory test will be performed.
3. If the results are positive on the confirmatory tests, the MRO will report the results to the Personnel Analyst and direct the candidate to the Personnel Analyst.
4. Procedure for reconsideration of employment and confidentiality of results are the same as under the urine testing guidelines.

D. Procedure for Applicants Unable to Have Drug Screening Performed by Designated Agency Physician/MRO:

The Agency Physician/MRO will identify the selected certified laboratory closest to the applicant and arrange to have the screening performed. Personal physicians should not be used in specimen collection. No newly hired employee will begin working until medical examination and drug screening results have been communicated to the Agency Personnel Analyst.

E. Procedures for Local Applicants

Local candidates will be directed to the designated Agency Physician/MRO for specimen collection. All samples will be sent to a selected certified laboratory for analysis.

A strict Chain of Custody Procedure will be followed.

A copy of the signed notification and consent form must be sent to the designated specimen collection laboratory and/or the physician.

II. SCREENING OF PRIOR EMPLOYEES

Employees returning to active status after not working for a period of six (6) months or longer, because of a temporary or seasonal layoff, leave of absence, disability or termination of any kind, will be subject to screening for drugs and/or alcohol as a condition for re-employment in the same manner as described for post-offer candidates.

The protocol for screening of prior Agency employees will be the same as that in the post-offer drug and alcohol use screening section (Section I).

III. TESTING OF ACTIVE AGENCY EMPLOYEES

A. Grounds For Testing Active Employees

Active Agency employees will be required to submit to and pass drug and/or alcohol tests on the following grounds:

1. Random Testing

Agency policy is to require annual unannounced tests for controlled substances and alcohol for randomly selected commercial motor vehicle operators and employees who function in safety sensitive positions (e.g. Equipment operators who operate in proximity to the public or to other Agency employees). Such employees will be tested on randomly selected dates.

Under a random selection process drug and/or alcohol tests are unannounced and everyone subject to such testing has an equal chance of being selected (e.g. random number table matched with employee's Social Security number, payroll identification number or comparable number).

Random controlled substance testing for commercial motor vehicle drivers must annually cover at least 50% of the drivers subject to testing. All drivers must be tested at least once every two years for controlled substances.

The annual random controlled substance testing requirements for employees in safety sensitive positions will also cover at least 50% of the pool of those non-driver active employees in such safety sensitive positions as administered by the Medical Review Officer. Such controlled substance random testing may be done at any time while the subject employee is at work.

Random, unannounced alcohol tests must annually cover at least 50% of the commercial motor vehicle operators subject to testing. The annual percentage for alcohol testing for non-drivers in safety sensitive positions will also be at least 50% of the pool of those employees.

Such alcohol testing may be done only immediately before, during or after the individual drives a commercial motor vehicle or performs a safety sensitive function.

2. Testing For Cause

An Agency employee may be required to submit to tests in order to determine his/her freedom from alcohol and/or a controlled chemical substance when an employee's conduct or actions indicate possible impaired behavior or are indicative of the use of a controlled substance or alcohol. The conduct must be witnessed by a supervisor. The trained supervisor must take action in all cases where possible impaired behavior is observed. The witnessing supervisor must have received training in the identification of actions, appearance or conduct, which are indicative of use of a controlled substance or alcohol. The documentation of such conduct shall be prepared and signed by the witnessing supervisor within 24 hours of the observed behavior, or before the results are released, whichever is earlier. The employee is still subject to disciplinary action for any conduct which constitutes a violation of Agency Work Rules as set forth in Appendix C of the Employee Handbook.

Employees demonstrating impaired behavior must be accompanied to the medical facility of the Agency Physician/MRO by a supervisor or manager or the Safety Officer for testing and evaluation, and must not be permitted to operate a motor vehicle or other equipment.

Medical evaluation of the behavior will include urine and evidential breath testing (EBT) to be analyzed for drugs, alcohol and controlled substances and may include an impairment examination by Agency Physician/MRO. Employees will be informed that such tests may be administered.

The intent is not to have managers or supervisors diagnose substance abuse. The only purpose is to ensure that they are alert to sudden changes in behavior or conduct indicating possible drug or alcohol impairment and can recognize when an employee is unable to satisfactorily and safely perform his or her job duties. It is up to the designated medical professionals to identify whether or not substance abuse is the problem.

The protocol for "For Cause Testing" of active Agency employees will be the same as that in the post-offer drug and alcohol use screening section (Section I):

3. Testing After Certain Reportable Accidents

In all cases, employees will submit to controlled substance and alcohol tests as soon as possible and within two hours after a reportable accident. Alcohol tests must be conducted within two hours of the reportable accident or an explanation must be submitted by a supervisor for the delay. A reportable accident is any accident that results in a traffic citation for a moving violation, injury requiring medical treatment, death, or property damage amounting to \$500 or greater. The protocol for testing after such a reportable accident involving an active Agency employee shall be the same as for post-offer drug and alcohol use screening found in Section I herein.

B. General Testing Rules and Guidelines

1. Refusal To Submit To Test

Using the DOT regulations regarding refusal to submit to a test, if a commercial motor vehicle operator refuses to submit to a test, management must suspend the employee a minimum of one hundred twenty (120) days pending further investigation, or discharge the employee. If an employee refuses to submit to a test after an accident, management must suspend the employee for a minimum of one (1) year pending further investigation, or discharge the employee.

Any other employee who refuses to be tested on any of the grounds listed in Section III(A) above for use of a controlled substance and/or alcohol will be subject to immediate termination.

If an employee refuses to be tested and appears to be under the influence of drugs or alcohol, or a controlled substance which may affect his or her ability to drive safely, or is in need of medical assistance, the Agency will arrange for transportation to a medical facility.

2. Positive Test Results

If the employee tests positive for a controlled substance or alcohol, the following procedures will take place:

- a. Positive drug tests for active employees will be confirmed by GC/MS (Gas Chromatography/Mass Spectroscopy) methods for non-alcohol related circumstances.
- b. If the employee operates a motor vehicle or any heavy machinery, or is in any other safety sensitive position, the Personnel Analyst must inform the employee that he or she cannot continue driving or operating the equipment.

- c. The employee will be referred to the Employee Assistance Program for assistance.
- d. If the employee refuses to participate in the Employee Assistance Program through rehabilitative therapy or does not complete such rehabilitation, the employee will be subject to immediate termination.

If the employee can prove that a positive test was caused by a controlled substance legally prescribed (except methadone) by a licensed medical practitioner as verified by the Agency's Medical Review Officer who is familiar with the employee's medical history and job duties, and if that use does not place the employee at risk of having an accident, he or she will not be subject to disciplinary action.

- e. Alcohol concentration results of .02 or higher requires the tested employee to be relieved from safety sensitive functions for twenty-four (24) hours. If the employee's test alcohol concentration is greater than or equal to .04, the employee must be relieved from safety sensitive functions and referred to the Employee Assistance Program. If the employee's alcohol concentration results are greater than or equal to .04 and he/she refuses to participate in the Employee Assistance Program, the employee will be subject to immediate termination.
- f. If an employee tests positive for drugs, the employee will be informed by the MRO of their option to request a test of the split specimen. The employee will also be referred to the Employee Assistance Program for assistance. If the employee refuses to participate in the Employee Assistance Program through rehabilitative therapy or does not complete such rehabilitation, the employee will be subject to immediate termination.
- g. For all employees holding a commercial drivers license, the Personnel Analyst shall ensure that the following information is reported to the FMCSA Clearinghouse as required by 49 CFR 382.601(12):
 - i. A verified positive, adulterated or substituted drug test;
 - ii. An alcohol confirmation test with a concentration of 0.04 or higher;
 - iii. A refusal to submit to any test required by federal regulation
 - iv. An employer's report of actual knowledge of:
 - 1. On duty alcohol use;
 - 2. Pre-duty alcohol use;
 - 3. Alcohol use following an accident;
 - 4. Controlled substance use;

- v. A substance abuse professional's report of the successful completion of the return-to-duty process;
- vi. A negative return-to-duty test; and
- vii. An employer's report of completion of follow-up testing.

3. Rules To Be Followed

The drug and alcohol testing program for commercial motor vehicle drivers will be administered according to the testing rules of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations.

The drug and alcohol testing program for other employees covered hereunder will be administered in accordance with this Policy and under the direction of the designated Medical Review Officer.

4. Protocol

The protocol for drug and alcohol testing of active Agency employees under this Policy will be the same as that in the Post-offer Drug and Alcohol Use Screening section (Section I).

IV. MEDICAL REVIEW OFFICER'S ROLE/REVIEW SCREENING PROCESS

The Agency will designate an Agency physician to be the Agency Medical Review Officer ("MRO"). The MRO must be a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illegal drugs and alcohol. The responsibilities of the MRO are as follows:

1. Receive negative and confirmed positive illegal drug test results from the designated DHHS laboratory.
2. Request, if needed, a quantitative description of test results.
3. Receive a certified copy of the original Chain of Custody.
4. Review and interpret positive test results.
5. Review the individual's medical history, or any other relevant biomedical factors.
6. Give the individual an opportunity to discuss test results, but not necessarily face-to-face.
7. Order a reanalysis of the original sample in a certified laboratory, if necessary.
8. Consult with the laboratory officials.
9. Determine whether a result is scientifically insufficient.

10. Determine whether a result is consistent with legal drug use.
11. Forward results of verified test results to the Agency Personnel Analyst empowered to take administrative action.
12. Notify individual of split sample testing option.

If the controlled substance or alcohol screening proves negative, the MRO will so inform the Agency Personnel Analyst.

Prior to making a final decision to verify a positive test result to the Agency's Personnel Analyst, the MRO must examine alternate medical explanations for the positive results and give the applicant an opportunity to discuss the test results with him or her. Once the MRO verifies the positive test result, he or she must report it to the Agency Personnel Analyst and notify the individual of the split sample testing option.

V. CONFIDENTIALITY OF TEST RESULTS

The Personnel Analyst will keep the results of the tested individual's controlled substance and alcohol screening confidential and will not release the results to any person outside the Agency except with the express written consent of the applicant.

For each tested individual who participates in the controlled substance and alcohol screening program, the Medical Review Officer will fill out a Results of Controlled Substance Screening or Alcohol Breath Analysis Report form and send it to the Personnel Analyst who will file it in a separate, secure file of the Personnel Analyst.

The Personnel Analyst will then advise the supervisor of the tested individual's classification after consultation with the director of the unit.

VI. DRUG AND ALCOHOL FREE WORK PLACE

To promote a drug-free and alcohol-free environment and comply with D.O.T. and other federal regulations, OCRRA will also implement a training and education program. The objective is to:

- Inform all employees about the Agency's policy of maintaining a drug and alcohol free workplace, and the penalties that may be imposed on employees who violate this policy.
- Provide education on the effects and dangers of using controlled substances and how this can affect the safety and health of the work environment.
- Train supervisors to identify "reasonable cause" signs of illegal drug use or alcohol abuse.

- Inform employees of the availability of an Employee Assistance Program, how it works, and the consequences of failure to seek assistance and follow through with rehabilitation.

VII. DRUG OR ALCOHOL RELATED CONVICTIONS NOTIFICATION REQUIREMENT

Any employee convicted of a drug or alcohol-related offense, even if off duty or away from Agency premises, must report that conviction in writing to his or her department head within five calendar days of the conviction. The Agency reserves the right to take responsive action to such a conviction or failure to report such convictions, including discharge or periodic, unannounced drug or alcohol testing of the employee.

VIII. IF POSITIVE TEST RESULTS AFTER REHABILITATION

Any employee who is referred by the Agency to the EAP and who completes such rehabilitation will be tested without notice for alcohol or drug use during the sixty (60) month period after completion of rehabilitation. The employee will be tested a minimum of six (6) times in the first twelve (12) months following completion of rehabilitation. An EAP counselor can terminate the remaining forty-eight (48) month testing period based on the employee's test results and the counselor's evaluation of the employee. Any employee who tests positive for controlled substances and/or alcohol use after completing rehabilitation will be terminated from the Agency.

IX. BENEFITED SERVICE UNDER HEALTH PROGRAM

Benefits will be provided for inpatient confinement in an approved facility for the treatment of alcoholism and/or substance abuse.

Four (4) weeks in any one period of confinement will be benefited, and up to six (6) weeks in total in a calendar year will be benefited.

Additionally, the Onondaga County Employees Benefit Association Plan will provide up to 20 visits per calendar year, on an outpatient basis, at an approved facility for the treatment of alcoholism or substance abuse.

Appendix 1

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Type of Drug or Metabolite	Initial Test	Confirmation Test
(1) Marijuana metabolites (i) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines	1000	
(i) Amphetamine		500
(ii) Methamphetamine		500 (Specimen must also contain amphetamine a concentration of greater than or equal to 200/ng/mL)
(5) Opiate metabolites	2000	
(i) Codeine		2000
(ii) Morphine		2000
(iii) 6-acetylmorphine		10
		Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration greater than or equal to 2000 ng/mL.

Appendix 2

Drug Abuse Detection/Time Limits Per usage:

The following drugs are taken orally, except for heroin and morphine, which are administered through intravenous injections, and marijuana, which may be taken orally or smoked.

DRUG	DOSAGE IN MILLIGRAMS	DETECTION TIME
Amphetamines	30	1-120 hr.
	15	1-72 hr.
	5	3.5-30 hr.
Cocaine	250	8-48 hrs.
Opioids:		
Heroin	10	1-4 days
Meperidine	100	4-24 hr.
Methadone	38	7.5-56 hr.
Morphine	10	84 hr.
marijuana	1 per week	7-34 days
	Daily	6-81 days

Reference: "Drug Testing in the Workplace", American Society of Clinical Pathologists.

APPENDIX G

ONONDAGA COUNTY RESOURCE RECOVERY AGENCY **ALCOHOL AND SUBSTANCE ABUSE POLICY**

Purpose

The Onondaga County Resource Recovery Agency, in fulfilling its obligation to provide solid waste management services to the public, relies on its employees to carry out important daily activities in a conscientious manner. The Agency recognizes that alcohol and substance abuse can impair the safety and health of our employees as well as the safety of the public present in the environment where they work. **This Policy provides a program to address these important issues.**

Policy Statement

It is the Policy of the Onondaga County Resource Recovery Agency ("Agency") that the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of a controlled substance, drugs, or drug-related paraphernalia and/or alcohol by Agency employees during working hours, in the workplace, in Agency motor vehicles, in personal vehicles while on Agency business or on Agency premises shall be strictly prohibited.

Scope

This Policy has been developed in the interest of maintaining a safe working environment for all of our employees, and for the public. This Policy will be applicable to all Agency employees during their work hours at all work sites of the Agency as well as landfills, highways and other locations where bargaining unit and non-bargaining unit employees are functioning in their capacity as Agency employees. **Additional wording**

Prescription Drug Use

It is recognized that employees may be able to work safely and effectively while taking most medications prescribed by a physician; however, the abuse of a prescribed controlled substance is prohibited. If an employee is taking such a prescription medication he/she may wish to notify their supervisor in the event that side effects of the medicine are observed or appear in any Agency drug and/or alcohol testing program.

Employee Assistance Program

The Agency maintains a confidential Employee Assistance Program ("EAP") (see Appendix J) in order to help employees and their dependents who suffer from drug and/or alcohol abuse. However, it is the responsibility of each employee to seek assistance from the EAP before drug or alcohol

- c. The employee will be referred to the Employee Assistance Program for assistance.
- d. If the employee refuses to participate in the Employee Assistance Program through rehabilitative therapy or does not complete such rehabilitation, the employee will be subject to immediate termination.

If the employee can prove that a positive test was caused by a controlled substance legally prescribed (except methadone) by a licensed medical practitioner as verified by the Agency's Medical Review Officer who is familiar with the employee's medical history and job duties, and if that use does not place the employee at risk of having an accident, he or she will not be subject to disciplinary action.

- e. Alcohol concentration results of .02 or higher requires the tested employee to be relieved from safety sensitive functions for twenty-four (24) hours. If the employee's test alcohol concentration is greater than or equal to .04, the employee must be relieved from safety sensitive functions and referred to the Employee Assistance Program. If the employee's alcohol concentration results are greater than or equal to .04 and he/she refuses to participate in the Employee Assistance Program, the employee will be subject to immediate termination.
- f. If an employee tests positive for drugs, the employee will be informed by the MRO of their option to request a test of the split specimen. The employee will also be referred to the Employee Assistance Program for assistance. If the employee refuses to participate in the Employee Assistance Program through rehabilitative therapy or does not complete such rehabilitation, the employee will be subject to immediate termination.

g. Added section

3. Rules To Be Followed

The drug and alcohol testing program for commercial motor vehicle drivers will be administered according to the testing rules of the U.S. Department of Transportation's Federal Motor Carrier Safety Regulations.

OCRRA 2022

QUARTERLY INVESTMENT REPORT

3rd Quarter 2022

The following investment vehicles were utilized during the 3rd Quarter 2022:

TYPE OF INVESTMENT	Investments at June 30, 2022	Investments at September 30, 2022
Demand Deposits-Trustee	1,747,878	2,791,336
Treasury Bills-Trustee	85,484	171,952
Certificates of Deposit-Trustee	3,737,950	5,031,092
Government Bonds-Trustee	-0-	-0-
Treasury Bills-M&T	4,499,479	7,498,875
Public Fund Money Market Account-M&T	3,732,692	5,290,239
Public Fund Money Market Acct.-NBT Bank	7,701,329	5,703,439
Public Fund Money Market Account-Chase Bank	267,543	267,543
Total Invested Cash	21,772,355	26,754,476
Total Non-Invested Cash Balances	1,666,167	1,458,528

INTEREST EARNINGS

The Agency recorded the following interest earnings for invested funds during the 3rd Quarter 2022:

Money Market & Demand Accounts (various institutions)	\$ 3,871
Trustee Interest (all forms of investments)	\$ 4,079
Total for 3 rd Quarter 2022	\$ 7,950

The Agency believes we are fully compliant with the established Investment Guidelines.


Michael Mokrzycki, Business Officer

Dated: 10/20/22

COMMITTEE BRIEF

Reserve Funds

September 24, 2019

The Administration Committee requested that Agency management research if there is guidance from the State Comptroller and present findings back to the Committee.

OCRRA, as an enterprise fund, as historically accounted for all reserves in one bucket. When looking at governmental guidance, it is important to distinguish between capital and operating reserves.

Capital reserves, as noted by the State Comptroller are those monies specifically set aside to “finance all or part of future infrastructure, equipment, and other requirements”.

Additionally, the State Comptroller recommends that “in addition to reserve funds, maintaining a reasonable amount of undesignated fund balance within operating funds is another important financial consideration for local governments”. These are best described as operating reserves.

The State Comptroller does not provide specific guidance as far as an amount of reserves, that determination is up to each governing body. Capital reserves should be planned for a specific purposes, whereas operating reserves are for general use due to business fluctuations.

As far as operating reserves go, the Government Finance Officers Association (GFOA) makes two recommendations:

- 1) That all local governments prepare and formally adopt a fund balance (operating reserve) policy
- 2) At a MINIMUM, the operating reserves are enough to cover two months of regular operating expenses. This translates to approx. \$6M based on OCRRA’s budget.

Currently, OCRRA has between \$9M and \$10M of cash reserves on hand. The Agency has not typically differentiated these funds between “operating” reserves and “capital reserves”. Based on the guidance found from the State Comptroller and the GFOA, it would appear that OCRRA is in the range of recommended “operating reserves”. However, OCRRA’s current cash on hand does not anticipate financing significant future capital costs, in other words, the Agency doesn’t have much “capital reserves”.

Reserve Funds

Saving for future projects, acquisitions, and other allowable purposes is an important planning consideration for local governments and school districts. Reserve funds provide a mechanism for legally saving money to finance all or part of future infrastructure, equipment, and other requirements. Reserve funds can also provide a degree of financial stability by reducing reliance on indebtedness to finance capital projects and acquisitions. In uncertain economic times, reserve funds can also provide officials with a welcomed budgetary option that can help mitigate the need to cut services or to raise taxes. In good times, money not needed for current purposes can often be set aside in reserves for future use.

In addition to reserve funds, maintaining a reasonable amount of undesignated fund balance within operating funds is another important financial consideration for local governments and school districts. A reasonable level of unreserved, unappropriated fund balance provides a cushion for unforeseen expenditures or revenue shortfalls and helps to ensure that adequate cash flow is available to meet the cost of operations.¹ Combining a reasonable level of undesignated fund balance with specific legally established reserve funds provides resources for both unanticipated events and other identified or planned needs. Although this guide is primarily focused on planning for specific needs through legal reserve funds, our companion guides *Financial Condition Analysis* and *Understanding the Budgeting Process* contain additional information on maintaining and utilizing unreserved fund balances.

This guide describes the types of reserve funds that local governments and school districts can establish and maintain. In general, reserve funds have specific intended purposes and requirements as set forth in law. This guide contains a summary of the many different types of reserve funds authorized by New York State statutes. The descriptions included in this guide provide information on:

- General provisions for each type of reserve fund
- Purposes for which each reserve fund may be used
- Special provisions, if applicable, that pertain to certain reserve funds, such as:
 - Maximum total reserve balance permitted
 - Maximum annual contribution in any fiscal year
 - Referendum requirements for establishing or expending from reserve funds
- Permitted uses of any unobligated or excess reserve funds.

Because of the complexity of some of the legal requirements relating to the establishment, funding, expenditure, and dissolution of reserve funds, we encourage local officials to consult with their municipal attorney and to exercise professional judgment in determining how best to include reserve funds in the overall financial management policies of their government or school district.

¹ Towns, villages, and counties are permitted by law to retain a “reasonable amount” of any remaining estimated unappropriated, unreserved fund balance for each fund, consistent with prudent budgeting practices, necessary to ensure the orderly operation of their government. School districts, however, are limited to retaining 4 percent of the current school budget in unreserved, unappropriated fund balance.



BEST PRACTICE

Fund Balance Guidelines for the General Fund

BACKGROUND:

In the context of financial reporting, the term *fund balance* is used to describe the net position of governmental funds calculated in accordance with generally accepted accounting principles (GAAP). Budget professionals commonly use this same term to describe the net position of governmental funds calculated on a government's budgetary basis.¹ While in both cases *fund balance* is intended to serve as a measure of the financial resources available in a governmental fund; it is essential that differences between GAAP *fund balance* and budgetary *fund balance* be fully appreciated.

1. GAAP financial statements report up to five separate categories of fund balance based on the type and source of constraints placed on how resources can be spent (presented in descending order from most constraining to least constraining): *nonspendable fund balance*, *restricted fund balance*, *committed fund balance*, *assigned fund balance*, and *unassigned fund balance*.² The total of the amounts in these last three categories (where the only constraint on spending, if any, is imposed by the government itself) is termed *unrestricted fund balance*. In contrast, budgetary fund balance, while it is subject to the same constraints on spending as GAAP fund balance, typically represents simply the total amount accumulated from prior years at a point in time.
2. The calculation of GAAP fund balance and budgetary fund balance sometimes is complicated by the use of sub-funds within the general fund. In such cases, GAAP fund balance includes amounts from all of the subfunds, whereas budgetary fund balance typically does not.
3. Often the timing of the recognition of revenues and expenditures is different for purposes of GAAP financial reporting and budgeting. For example, encumbrances arising from purchase orders often are recognized as expenditures for budgetary purposes, but never for the preparation of GAAP financial statements.

The effect of these and other differences on the amounts reported as *GAAP fund balance* and *budgetary fund balance* in the general fund should be clarified, understood, and documented.

It is essential that governments maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable tax rates.

In most cases, discussions of fund balance will properly focus on a government's general fund. Nonetheless, financial resources available in other funds should also be considered in assessing the adequacy of unrestricted fund balance in the general fund.

RECOMMENDATION:

GFOA recommends that governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the general fund for GAAP and budgetary purposes.³ Such a guideline should be set by the appropriate policy body and articulate a framework and process for how the government would increase or decrease the level of unrestricted fund balance over a specific time period.⁴ In particular, governments should provide broad guidance in the policy for how resources will be directed to replenish fund balance should the balance fall below the level prescribed.

Appropriate Level. The adequacy of unrestricted fund balance in the general fund should take into account each government's own unique circumstances. For example, governments that may be vulnerable to natural disasters, more dependent on a volatile revenue source, or potentially subject to cuts in state aid and/or federal grants may need to maintain a higher level in the unrestricted fund balance. Articulating these risks in a fund balance policy makes it easier to explain to stakeholders the rationale for a seemingly higher than normal level of fund balance that protects taxpayers and employees from unexpected changes in financial condition. Nevertheless, GFOA recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.⁵ The choice of revenues or expenditures as a basis of comparison may be dictated by what is more predictable in a government's particular circumstances.⁶ Furthermore, a government's particular situation often may require a level of unrestricted fund balance in the general fund significantly in excess of this recommended minimum level. In any case, such measures should be applied within the context of long-term forecasting, thereby avoiding the risk of placing too much emphasis upon the level of unrestricted fund balance in the general fund at any one time. In establishing a policy governing the level of unrestricted fund balance in the general fund, a government should consider a variety of factors, including:

1. The predictability of its revenues and the volatility of its expenditures (i.e., higher levels of unrestricted fund balance may be needed if significant revenue sources are subject to unpredictable fluctuations or if operating expenditures are highly volatile);
2. Its perceived exposure to significant one-time outlays (e.g., disasters, immediate capital needs, state budget cuts);
3. The potential drain upon general fund resources from other funds, as well as, the availability of resources in other funds;
4. The potential impact on the entity's bond ratings and the corresponding increased cost of borrowed funds;
5. Commitments and assignments (i.e., governments may wish to maintain higher levels of unrestricted fund balance to compensate for any portion of unrestricted fund balance already committed or assigned by the government for a specific purpose). Governments may deem it appropriate to exclude from consideration resources that have been committed or assigned to some other purpose and focus on unassigned fund balance, rather than on unrestricted fund balance.

Use and Replenishment.

The fund balance policy should define conditions warranting its use, and if a fund balance falls below the government's policy level, a solid plan to replenish it. In that context, the fund balance policy should:

1. Define the time period within which and contingencies for which fund balances will be used;
2. Describe how the government's expenditure and/or revenue levels will be adjusted to match any new economic realities that are behind the use of fund balance as a financing bridge;
3. Describe the time period over which the components of fund balance will be replenished and the means by which they will be replenished.

Generally, governments should seek to replenish their fund balances within one to three years of use. Specifically, factors influencing the replenishment time horizon include:

1. The budgetary reasons behind the fund balance targets;
2. Recovering from an extreme event;
3. Political continuity;
4. Financial planning time horizons;
5. Long-term forecasts and economic conditions;
6. External financing expectations.

Revenue sources that would typically be looked to for replenishment of a fund balance include nonrecurring revenues, budget surpluses, and excess resources in other funds (if legally permissible and there is a defensible rationale). Year-end surpluses are an appropriate source for replenishing fund balance.

Unrestricted Fund Balance Above Formal Policy Requirement. In some cases, governments can find themselves in a position with an amount of unrestricted fund balance in the general fund over their formal policy reserve requirement even after taking into account potential financial risks in the foreseeable future. Amounts over the formal policy may reflect a structural trend, in which case governments should consider a policy as to how this would be addressed. Additionally, an education or communication strategy, or at a minimum, explanation of large changes in fund balance is encouraged. In all cases, use of those funds should be prohibited as a funding source for ongoing recurring expenditures.

Notes:

1. For the sake of clarity, this recommended practice uses the terms GAAP fund balance and budgetary fund balance to distinguish these two different uses of the same term.
2. These categories are set forth in Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*.
3. Sometimes restricted fund balance includes resources available to finance items that typically would require the use of unrestricted fund balance (e.g., a contingency reserve). In that case, such amounts should be included as part of unrestricted fund balance for purposes of analysis.
4. See Recommended Practice 4.1 of the National Advisory Council on State and Local Budgeting governments on the need to "maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures" (Recommended Practice 4.1).
5. In practice, a level of unrestricted fund balance significantly lower than the recommended minimum may be appropriate for states and America's largest governments (e.g., cities, counties, and school districts) because they often are in a better position to predict contingencies (for the same reason that an insurance company can more readily predict the number of accidents for a pool of 500,000 drivers than for a pool of fifty), and because their revenues and expenditures often are more diversified and thus potentially less subject to volatility.
6. In either case, unusual items that would distort trends (e.g., one-time revenues and expenditures) should be excluded, whereas recurring transfers should be included. Once the decision has been made to compare unrestricted fund balance to either revenues and/or expenditures, that decision should be followed consistently from period to period.

*This best practice was previously titled *Appropriate Level of Unrestricted Fund Balance in the General Fund*.*

Purchase Orders Between \$5,000 and \$20,000					11/18/2022		
Purchase Order Types							
SD: Standard			EM: Emergency				
BL: Blanket			SDM: Standard with Multiple Purchases				
Vendor Selection							
OEM: Original Equipment Manufacturer			CC: County Contract		R: Resolution		
B: Bids			SS: Sole Source		DD: Deputy Director		
RFP: Request for Proposals			Q: Quotes				
RFQ: Request for Quotations			P: Preferred Source				
SC: State Contract			EXD: Executive Director				
MWBE: Minority/Women Business Ent.			BUS: Business Officer				
							vendor
PO Date	PO #	Type	Manager	Vendor Name		Amount	Selection
10/13/22	17010	SD	Transfer	Kenworth		5,280	OEM
				Unit 42: replace clutch with PTO and wet line: turn flywheel.			
10/18/22	17031	SD	Transfer	AMREX Chemical Company		14,355	CC
				990 bags Calcium Chloride			
10/19/22	17033	SD	Engineering	Ianuzi & Romans Land Surveying PC		7,500	RFP
				Ley Creek topographical survey			
10/19/22	17038	SD	Recycling	Arc of Onondaga		10,000	P
				labor for depackaging at compost site			
10/19/22	17039	SD	Transfer	TH Kinsella Inc		3,276	CC
				400 tons runner Crush for Ley Creek			
10/27/22	17067	SD	Transfer	Kenworth Northeast		6,248	OEM
				Service call for Unit 41			
11/14/22	17110	BL	Transfer	Goodyear Commercial Tire & Service		9,000	SC
				Tire repairs, recondition tire rims, retreads thru 11/27/23			