



**ERIE COUNTY WATER AUTHORITY**  
**INTEROFFICE MEMORANDUM**

April 24, 2019

To: Jerome D. Schad, Chair  
Mark S. Carney, Vice Chair  
E. Thomas Jones, Treasurer

Cc: Terrence D. McCracken, Secretary  
Jacqueline Mattina, Associate Attorney  
Trish Fabozzi, Supervising Stenographic Secretary

From: Margaret A. Murphy, Attorney

Subject: Change of Status for Provisional Employees

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As you know, Trish Fabozzi is the Authority's liaison with the Erie County Personnel Department ("ECPD"). Trish is responsible for submitting the appropriate documentation to ECPD to create and fill civil service positions. Trish is also the individual with whom ECPD communicates and mails approvals relating to newly created positions or appointments of new employees.

Today, Trish posed a question regarding "Policy No. 92.0, Employment Opportunity Posting and Hiring," recently amended by the Board on February 21, 2019. Trish wanted to know whether a notice is required to be placed on the Board's agenda when ECPD has approved a change in employment status from provisional to probationary. Similarly, Trish asked whether Board must be publicly notified when a person has completed his/her probationary status.

Under Policy No. 92.0, Section 8, subsection (a), (6), the Secretary must inform the Board of the name of the *newly* hired employee, in a staff memorandum placed on the Board's agenda, once the ECPD has accepted the provisional appointment. A provisional appointment is only applicable to a position classified as competitive.

The status of a provisional employee will change once the employee takes an examination and is reachable on the civil service list. The status may also change when ECPD approves a 55-a designation<sup>1</sup> for the provisional employee. In either case, Policy No. 92.0 does not require the Secretary to notify the Board of the

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<sup>1</sup> A 55-a designation is applicable for disabled individuals seeking employment with a local municipality or local public authority. The Authority has no role to play the 55-a process.

change in status since the individual would not be considered a “newly hired employee.” An employee’s date of hire does not change when his/her status changes from provisional to probationary or from probationary to permanent.

Since giving this legal opinion to Trish, I thought it would appropriate to share this opinion with the Board, so that the opinion can be made part of the public record.