



NEW YORK STATE
**OLYMPIC REGIONAL
DEVELOPMENT AUTHORITY**

GOVERNANCE COMMITTEE MEETING
Lake Placid Conference Center, Lake Placid, NY
June 14, 2023
11:00 a.m.

AGENDA

- I. INTRODUCTION**
 - a. Welcome**
 - b. Roll Call**
 - c. Approval of Minutes from March 24, 2023 Governance Committee Meeting**

- II. MOTION TO CONDUCT AN EXECUTIVE SESSION TO DISCUSS A MATTER MADE CONFIDENTIAL BY STATE LAW**

- III. DISCUSSION**
 - a. Policy Makers for 2023/2024 and Proposed Resolution # 500**
 - b. Certain Policies and Procedures and Proposed Resolution # 501**
 - i. Revisions to Background Check Policy**
 - c. Extraordinary Circumstances Policy and Procedures and Proposed Resolution # 502**

- IV. ADJOURN**



**NYS Olympic Regional Development Authority
Governance Committee Meeting Minutes
March 24, 2023**

Present: Chris Pushkarsh, Chair
Diane Munro
Art Lussi
Joe Martens

Also Present: Michael Pratt, President/CEO
Michelle Crew, General Counsel

Introduction: Chair Chris Pushkarsh called the meeting to order at 11:10 a.m. and welcomed everyone in attendance.

Chris Pushkarsh explained that the meeting was being videotaped and a link to the recording and transcript would be made available at www.orda.org.

Chris Pushkarsh then asked for a roll call, and confirmed a quorum was present.

Minutes: On a motion by Diane Munro, seconded by Art Lussi, the minutes of the Governance Committee meeting held on December 2, 2022 were approved without changes.

Discussion: Chris Pushkarsh explained that the next item on the agenda is discussion of the Board evaluation tool and process. Chris further explained that the Board evaluation is a mandatory requirement under the Public Officers Law.

The Committee discussed changing the format of the form and adding space for Board members to provide comments and/or explanations following each item.

Chris Pushkarsh called for a Committee motion to approve the revisions to the confidential evaluation tool.

On a motion by Joe Martens, seconded by Diane Munro.

4 in favor, 0 opposed, 0 abstained, the motion carries unanimously.

The Committee also discussed the process for collecting and compiling the completed forms. It was agreed that the Board Secretary will be responsible for collecting the forms and sending the compiled information to the Committee Chair.

Chair:

Chris Pushkarsh announced that the meeting's business had concluded.

Adjournment:

On a motion by Art Lussi, seconded by Joe Martens, the meeting of the Governance Committee was adjourned at 11:50 a.m.



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 500

RESOLUTION APPROVING POLICY MAKERS FOR 2023/2024

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

WHEREAS, pursuant to the provisions of Public Officers Law § 73-a, the Olympic Authority is required to submit an annual statement of Board Members and Olympic Authority employees who have been determined to be policy makers, to the New York State Commission on Ethics and Lobbying in Government (“Ethics Commission”); and

WHEREAS, the Ethics Commission regulations at 19 NYCRR Part 932 define the term “policy maker” as “an officer, employee, director, commissioner or member of a State Agency (other than a multi-state authority) who has been determined to hold a policy-making position pursuant to Public Officers Law § 73-a (1) (c);” and

WHEREAS, the Olympic Authority is a State agency for the purposes of compliance with the Public Officers Law; and

WHEREAS, in accordance with the requirements of the Public Officers Law and implementing regulations, the Olympic Authority has determined that the staff listed in this resolution hold policy-making positions, which such list is required to be filed with the Ethics Commission each year during the month of February; and

WHEREAS, the Olympic Authority is required to keep this list up to date after the annual filing, by amending it within thirty (30) days of the undertaking of policy-making responsibilities by an employee not currently included in the list of staff who hold policy-making positions; and

WHEREAS, at a duly called meeting of the Governance Committee held on June 14, 2023, the Governance Committee approved the list of names and titles of Olympic Authority staff who hold policy-making positions set forth herein, and recommended that the list be presented to the Board of Directors for approval for submission by the Olympic Authority to the Ethics Commission when due, and further recommend that Olympic Authority staff be granted the authority to amend and submit an updated list in the event that becomes necessary during the course of the year;

NOW, THEREFORE, BE IT RESOLVED THAT, after careful consideration and due deliberation, the Olympic Authority Board of Directors hereby approves the list of Olympic Authority policy makers set forth below and authorize Olympic Authority staff to amend the list

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 500 was duly passed by the Board of Directors on June 23, 2023.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of June, 2023.

Notary Public, State of New York

DRAFT



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 501

RESOLUTION ADOPTING CERTAIN POLICIES AND PROCEDURES

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 23, 2023, the Chair offered the following resolution:

I. Investment of Corporate Funds Policy and Guidelines

WHEREAS, pursuant to Public Authorities Law § 2824 (1) (e), the Olympic Authority Board of Directors is charged with establishing written policies and procedures governing investments by the Authority; and

WHEREAS, pursuant to Public Authorities Law § 2925 (1) and the Olympic Authority’s Investment of Corporate Funds Policy and Guidelines (“Investment Policy”), Olympic Authority staff involved in the investment process shall review the Investment Policy on an annual basis, or more frequently as required, and shall submit the Investment Policy to Olympic Authority’s Executive Committee and Board no less frequently than annually for review and approval; and

WHEREAS, pursuant to Public Authorities Law § 2925 (6) and the Investment Policy, the Olympic Authority is required to annually prepare and approve an Annual Investment Report and submit it to the Division of Budget, the Senate Finance Committee and the Assembly Ways and Means Committee, and the Office of the State Comptroller by no later than ninety (90) days after the end of the fiscal year; and

WHEREAS, annexed hereto and made a part hereof is the Olympic Authority Investment Policy that was approved and adopted by the Board on September 22, 2021, as amended by recommendation of the Executive Committee at its meeting held on June 14, 2022, together with the Annual Investment Report for the Fiscal Year ending March 31, 2023; and

WHEREAS, at a duly called meeting of the Executive Committee held on June 14, 2023, the Executive Committee recommended the Board’s approval of the Investment Policy, as amended, and the approval of the Annual Investment Report, based on the Committee’s thorough review and consideration of such Policy and Report; and

II. Background Check Policy

WHEREAS, pursuant to Public Authorities Law § 2824 (1) (e), the Board of Directors is charged with establishing written policies and procedures governing the conduct of Olympic Authority personnel; and

WHEREAS, consistent with applicable law, the Olympic Authority has implemented and adopted a written Background Check Policy (“Policy”) to, among other purposes, determine the

overall fitness for employment of a Candidate, as that term is defined in the Policy, to promote a safe work environment for other Olympic Authority employees, to ensure the safety of the visiting public and the many athletes who utilize Olympic Authority venues for training and competition, and to assure the protection of Olympic Authority property, proprietary information, and other assets; and

WHEREAS, in accordance with the Policy, it is to be reviewed and updated, as needed, on an annual basis; and

WHEREAS, annexed hereto and made a part hereof is the Policy that was approved and adopted by the Board on January 22, 2021, as amended by the Board on December 2, 2022; and

WHEREAS, the Policy has been amended further to include additional Olympic Authority titles, as further detailed in the Policy, that will be subject to initial background check requirements as a condition of employing people in those positions, as well as additional Olympic Authority titles that will be subject to both initial and ongoing background checks as a condition of employment; and

WHEREAS, at a duly called meeting of the Governance Committee held on June 14, 2023, the Governance Committee recommended the approval of the revised Background Check Policy, as amended, based on the Committee's thorough review and consideration of such Policy;

NOW, THEREFORE, BE IT RESOLVED THAT, after careful consideration and due deliberation, the Olympic Authority Board of Directors hereby approves and adopts the attached Investment of Corporate Funds Policy and Guidelines, Annual Investment Report, and revised Background Check Policy, effective immediately, each of which will be posted with other Board materials on the Olympic Authority website for access by the public; and

BE IT FURTHER RESOLVED THAT, in accordance with this approval, the Olympic Authority Board of Directors hereby authorizes the submission of the Annual Investment Report to the Division of Budget, the Senate Finance Committee and the Assembly Ways and Means Committee, and the Office of the State Comptroller by no later than ninety (90) days after the end of the fiscal year.

SO RESOLVED,

MOVED BY: _____

SECONDED BY: _____

and

ADOPTED BY the following vote:

In Favor:

Excused/Abstained:

Against:

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 501 was duly passed by the Board of Directors on June 23, 2023.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this ____ day of June, 2023.

Notary Public, State of New York

DRAFT



BACKGROUND CHECK POLICY

I. PURPOSE AND SCOPE

In making employment decision, the Olympic Regional Development Authority (“Olympic Authority”) is committed to the highest standards for its employees, and to complying with all applicable Federal and State statutes and regulations, as well as other applicable requirements. Accordingly, all applicants for employment with the Olympic Authority will be subject to a background check in accordance with the terms of this Policy. The information collected through a background check process is necessary to determine an applicant’s overall fitness for employment, to promote a safe work environment for other Olympic Authority employees, and to ensure the safety of the visiting public and the many athletes who utilize Olympic Authority venues for training and competition. It will also help to assure the protection of Olympic Authority property, proprietary information, and other assets.

In addition, due in part to insurance requirements applicable to the Olympic Authority, and due in part to the requirements of the Safe Sport Authorization Act (Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017, 36 U.S.C. § 22051) and the Olympic Authority’s relationship with the United States Olympic and Paralympic Committee, those Olympic Authority staff who are employed in specific titles as is further detailed herein, will be subject to ongoing background check requirements during the terms of their employment. Information derived from these ongoing background check requirements will be used by the Olympic Authority to determine the ongoing fitness of employees for the duties of the titles they occupy.

The Olympic Authority will conduct all employment background checks in accordance with the terms of this Policy. The Olympic Authority’s use of the information gained through a background check will at all times comply with New York State’s Fair Credit Reporting Act (General Business Law § 380), the Federal Fair Credit Reporting Act (15 U.S.C. § 1681), and all other applicable laws, statutes, rules, and regulations including, but not limited to, New York State Correction Law Article 23-a. Should any provision of this Policy conflict with any applicable law or regulation, that provision will be considered void and all other provisions of this Policy shall remain in full force and effect.

II. ACRONYMS AND DEFINITIONS

Article 23-a – shall mean the New York State Correction Law Article 23-a, which prohibits an employer from unfairly discriminating against a person previously convicted of one or more criminal offenses.

Athlete(s) – shall mean those Team USA athletes, as that term is defined in the current Olympic Authority-USOPC contract, using an Olympic Authority facility in connection with training or competition. The term “Athlete(s)” does not extend to members of the general public using an Olympic Authority facility, or to clubs or organizations that may enter into third-party agreements with the Olympic Authority for the use of an Olympic Authority facility.

Candidate – shall mean any person who has applied for or is being considered for a full-time, part-time, or temporary/seasonal position identified in Categories 1, 2, or 3, as defined herein, as well as any current Olympic Authority employee holding the positions and/or titles identified in Category 2 or Category 3 and who are subject to ongoing background checks.

Covered Position – shall mean any position and/or title identified in Categories 1, 2 and 3.

FCRA – shall mean the Fair Credit Reporting Act (15 U.S.C. § 1681), a U.S. Federal Government statute enacted to promote the accuracy, fairness, and privacy of consumer information contained in the files of the consumer reporting agencies.

Negative Information – shall mean a conviction for criminal conduct, a negative credit history, and/or a SafeSport disciplinary record, the nature of which has a direct bearing on a Candidate’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to a Covered Position, or information about a Candidate that would involve an unreasonable risk to property or to the safety and welfare of Olympic Authority employees and volunteers or to the general public.

Olympic Authority – shall mean the Olympic Regional Development Authority or authorized representative of the Olympic Regional Development Authority.

Report – shall mean the results of a background check provided to the Olympic Authority by a TPA.

SafeSport – shall mean the SafeSport Authorization Act. The U.S. Congress has designated the U.S. Center for SafeSport (the “Center”) with the authority to respond to reports of sexual misconduct within the U.S. Olympic & Paralympic Movement by passing the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. This legislation, also known as S.534, designates the Center to serve as the independent national safe sport organization, with the additional responsibility for the Center to develop national policies and procedures to prevent the emotional, physical, and sexual abuse of amateur athletes. Through this legislation, the Center has the exclusive authority to respond to allegations of sexual abuse and sexual misconduct within the U.S. Olympic & Paralympic Movement. It also allows the Center to have discretionary jurisdiction on a case-by-case basis over any other forms of misconduct, including bullying, harassment, and physical and emotional abuse. As a USOPC Training Center, the Olympic Authority is not under the jurisdiction of the Center, but the Olympic Authority is committed to the purpose and intent of SafeSport and consistent with its agreement with the USOPC, the

Olympic Authority will implement the requirements of SafeSport to the extent that such requirements do not conflict with New York State law.

TPA – shall mean third party administrator.

USOPC – shall mean the United States Olympic and Paralympic Committee.

III. APPLICABILITY

The Olympic Authority has identified the following Covered Positions as being subject to background checks in accordance with the requirements of this Policy:

Category 1 – Category 1 Covered Positions are those positions held or to be held by a Candidate for an Executive level position with fiduciary responsibilities. For the purposes of this Policy, the following MC titles shall be included in Category 1:

Assistant Director	Assistant Venue Manager
Attorney	Finance Administrator
Director	General Counsel
Venue Manager	President & Vice President
Lake Placid Olympic Museum Director	

Additionally, Category 1 Covered Positions will include those positions in which the job responsibilities involve or will involve a Candidate working in the information technology department at any Olympic Authority venue. This includes any position coded to “TEC”.

Any Candidate for a Category 1 Covered Position will be subject to a full background check as defined herein under Section 5.3 (a), as well as a Credit History Check, as defined herein under Section 5.3 (c), prior to either initial appointment or promotion into the Covered Position. Category 1 Candidates will be subject to ongoing background checks if their job responsibilities also include the responsibilities identified in Categories 2 or 3 below.

Category 2 – Category 2 Covered Positions are identified as follows:

- a. Those positions in which the job responsibilities involve or will involve a Candidate working in snow sports/ski school at any Olympic Authority venue. This includes any position coded to “SSC” (also known as ski school). The following titles are included in Category 2: Laborer, Ski Instructor, Labor Supervisor, Department Supervisor, Department Manager, and Program Manager.
- b. Those positions in which the job responsibilities involve or will involve a Candidate working as a certified lifeguard at any Olympic Authority venue. The following titles are included in Category 2: Lifeguard.

- c. Those positions in which the job responsibilities involve or will involve a Candidate working at a retail store at any Olympic Authority venue or at a rental store at any Olympic Authority venue. This includes any position coded to “RET” (also known as retail) and “RNT” (also known as rental).
- d. Those positions in which the job responsibilities involve or will involve a Candidate operating a shuttle bus with the capability of transporting 15 or more passengers to and/or from any Olympic Authority venue. This includes any position that requires a New York State Commercial Driver’s License with a Passenger Endorsement.
- e. Those positions in which the job responsibilities involve or will involve a Candidate operating the Mountain Coaster or Zip Line at an Olympic Authority venue. This includes any position coded to “MCR” or “ZIP”.
- f. Those positions in which the job responsibilities involve or will involve a Candidate having close contact with venue guests, which include, but are not necessarily limited to, Olympic Authority venue attractions and/or venue experiences such as a Climbing Wall, Mountain Biking, Discover Luge, Discover Biathlon, and youth group venue tours.

Any Candidate for a Category 2 Covered Position will be subject to a full background check as defined herein under Section 5.3 (a), prior to initial appointment and on a reoccurring basis every three (3) years thereafter.

Category 3 – Category 3 Covered Positions are those through which a Candidate: (1) may act in a position of authority over an Athlete, as the term “position of authority” is defined in the current Olympic Authority-USOPC agreement; (2) has regular contact with an Athlete as the term “regular contact” is defined in the current Olympic Authority-USOPC agreement; (3) has direct contact with an Athlete in nonpublic spaces as that term is defined in the current Olympic Authority-USOPC agreement; or (4) has access to Athletes in non-public spaces, as that term is defined in the current Olympic Authority-USOPC agreement. This may include, but is not necessarily limited to, the following titles: all staff that are coded to “SPT,” also known as ski patrol; all staff that are coded to “MED,” also known as Medical; all staff that are coded to “EVT,” also known as Events, and all other staff and/or volunteers that serve in a position of authority over Athletes or who have regular contact with Athletes as described herein, which may include staff holding the following titles: Venue Manager, Vice President, Assistant Venue Manager, Program Coordinator, Operations Supervisor, Director, Facilities Superintendent, Department Supervisor, Labor Supervisor, Ice Resurfacing Machine Operator, and Maintenance Assistant.

Any Candidate for a Category 3 Covered Position will be subject to full background checks as defined herein under Section 5.3 (a), both prior to initial appointment and on a bi-annual basis thereafter, and will be subject to supplemental background checks as defined herein under Section 5.3 (b), on an annual basis.

IV. RESPONSIBILITY

The responsibility for implementation and oversight of this Policy resides with the Olympic Authority Office of Human Resources, unless otherwise noted herein.

V. POLICY IMPLEMENTATION

5.1 Process for Pre-Employment Background Checks

- a. A pre-employment background check will be conducted on every Candidate who has accepted a formal offer of employment or promotion into a Covered Position. A Candidate must accurately and truthfully complete all sections of the employment application including the provision of education, current employment, and prior employment history within the last seven (7) years, and criminal history if applicable. In addition to those Candidates for a Category 1 Covered Position, a Credit History Check will be conducted for any position that involves the management of the Olympic Authority's funds or financial accounts, and/or the handling of cash and/or credit cards.
- b. All job postings for a Covered Position shall include the following language:

All offers of employment for this position will be contingent upon the results of a successfully completed background check. Background checks will be conducted by a Third Party Administrator of the Olympic Authority's choosing in compliance with the requirements of the New York State Fair Credit Reporting Act (N.Y. GEN. BUS. LAW § 380) and the Federal Fair Credit Reporting Act (15 U.S.C. § 1681).

- c. All offers of employment and/or promotions into a Covered Position shall include the following statement:

This offer of employment is contingent upon the satisfactory completion of a background check. Should your background check reveal information that could result in a decision by the Olympic Authority to withdraw an offer of employment, you will be provided with a Pre-Adverse Action Notice that includes the contact information of the Third Party Administrator, a copy of the background report and a "Summary of Your Rights Under the Fair Credit Reporting Act". You will have ten (10) business days from the date of your receipt of the Pre-Adverse Action Notice to dispute the information contained in the background report by contacting the Third Party Administrator and providing correct information regarding your criminal history, credit history, and/or SafeSport disciplinary record. Extensions may be provided to you at the sole discretion of the Olympic Authority. Should you fail to provide a response within ten (10) business days from the date of receipt of the Pre-Adverse Action Notice, or to contact the Olympic Authority within that time frame with a request

for an extension of time to respond, the Olympic Authority shall inform you that your name has been withdrawn from consideration for employment. Any such action is within the Olympic Authority's sole discretion and you shall have no right to appeal or challenge such action by the Olympic Authority.

- d. All background checks will be conducted by a qualified TPA in compliance with the terms of this Policy and all applicable Federal and State statutes.
- e. Prior to conducting a background check, a Candidate will be provided with an Authorization & Disclosure Form informing the Candidate that the Olympic Authority will be requesting a Report from the TPA, the name and contacting information of the TPA, the types of information that will be provided in the Report, and the Candidate's rights to request additional information regarding the nature and scope of the Report. The authorization consists of a statement, signed by the Candidate, permitting the TPA to provide the Report to the Olympic Authority. The Authorization & Disclosure Form must be a standalone document that cannot be part of an employment application or any other pre-employment document.
- f. After a Candidate has consented to and signed the Authorization & Disclosure Form, the Office of Human Resources will securely submit the full name and email address of the Candidate to the TPA. The Candidate will automatically receive a secure link from the TPA with instructions for entering the information required for the TPA to initiate and conduct a background check. A Candidate must fully and accurately provide all information necessary for the TPA to complete the background check. A Candidate for a new Covered Position or promotion into a Covered Position shall not begin work in that position prior to the satisfactory completion of the required background check, and the receipt of final approval from the Office of Human Resources. If a Candidate refuses to authorize a background check, or the TPA is unable to obtain written authorization within seven (7) business days of the date of a written request for authorization, the Candidate shall be deemed to have withdrawn his/her name from consideration.
- g. Any adverse action will be evaluated in accordance with Section 5.5 herein.

5.2 Process for Ongoing Background Checks

- a. For those Candidates who hold a Covered Position that is subject to ongoing and/or supplemental background checks at the time when such background check is due, the Office of Human Resources will provide written notification to the Candidate and to the Olympic Authority Department Head and/or Venue Management, as applicable. It will be the responsibility of both the Candidate and the Department Head or Venue Management, as applicable, to assure that the Candidate completes and submits the Authorization & Consent Form in a timely manner. If a Candidate refuses to authorize a background check, or the TPA is unable to obtain written authorization within seven (7) business days of the date of a written request for authorization, the Candidate shall

be deemed to have withdrawn his/her name from consideration and action will be taken to remove the Candidate from the Covered Position, whether by termination or by changing their job responsibilities.

- b. Any adverse action will be evaluated in accordance with Section 5.5 herein.

5.3 Background Check Components:

a. Full Background Checks.

A full background check will be conducted for any Candidate for a Category 1, 2 or 3 Covered Position. A full background check will include at least the following search components:

1. Social Security Trace and Address History – confirms address history and social security number (“SSN”) provided by a Candidate and is used to identify the jurisdictions in which the searches set forth in this Policy will be conducted.
2. Criminal:
 - i. **Federal** – Felony and misdemeanor searches for criminal convictions and pending prosecutions, through the respective federal courts in those jurisdictions reported in the SSN trace, for the previous seven (7) to ten (10) years.
 - ii. **County** – Felony and misdemeanor searches for criminal convictions and pending prosecutions through the respective county courts where a Candidate has lived, worked, or was educated, in the past seven (7) years.
 - iii. **Nation Wide** – Search of multi-jurisdictional database compiled from state and county criminal record databases. Sources include court records, incarceration records, prison/inmate records, probation/parole/release information, arrest data, sex offender registries, and wants and warrants.

- b. **Supplemental Background Checks.** A supplemental off-year background check will be conducted for any Candidate who works in a title that is identified in this Policy as a Category 3 Covered Position. Supplemental background checks will be conducted using at least the following search components:

1. Nation Wide – Search of multi-jurisdictional database compiled from state and county criminal record databases. Sources include court records, incarceration records, prison/inmate records, probation/parole/release information, arrest data, sex offender registries, and wants and warrants.
2. SafeSport Disciplinary Records – any Negative Information received from a search of SafeSport disciplinary records will be treated in a manner that is consistent

with New York Law, including Article 23-a, together with the terms and conditions of this Policy.

- c. **Credit History Checks.** Credit history checks provide a snapshot of financial history, including information regarding delinquent accounts, accounts sent to collection, maximum credit limits available, court judgments, bankruptcies, and liens. This check will be conducted on Candidates for Covered Positions that have the fiduciary responsibilities set forth in this Policy.

5.4 Authorized Third Party Administrator

The Olympic Authority, in its sole discretion, will select a USOPC authorized TPA that will be a full-service screening organization that works in accordance with the recommended guidelines established by the USOPC, the terms and conditions of this Policy, and all applicable State and Federal laws.

5.5 Adverse Action

In accordance with Section 603 of the FCRA, the term “adverse action” includes all employment actions affecting a Candidate that can be considered to have a “negative impact” as that term is defined under Section 603 (k) of the FCRA. For the purposes of this Policy, a negative impact will mean the withdrawal of an offer of employment, the denial of a promotion, or a determination to terminate employment or to change an Olympic Authority employee’s job position or responsibilities, as the result of a background check that yields Negative Information.

For any adverse action that is taken based at least in part on information contained in a Report, in accordance with Section 615 (a) of the FCRA, the Candidate will be notified by the Office of Human Resources in writing. Any such notification will be provided utilizing the process set forth below:

a. Evaluation of Background Check Results

1. In accordance with Article 23-a, the Olympic Authority will not deny or terminate employment on the basis of prior criminal convictions, except under the following circumstances:
 - i. A direct relationship between some or all of the previous criminal offenses and the specific job or position the Candidate is seeking or holds;
 - ii. When hiring or continuing to employ the individual would present an unreasonable risk to the Olympic Authority’s property, specific individuals, or the general public.

2. Where an adverse action is contemplated due to the disclosure of a criminal conviction, negative credit report, and/or SafeSport disciplinary record, the Olympic Authority will consider:
 - i. That the public policy of this State, as expressed in Article 23-a, is to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;
 - ii. The specific duties and responsibilities necessarily related to the license or employment sought or held by the person; The bearing, if any, that the criminal offense or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities; The time which has elapsed since the occurrence of the criminal offense or offenses; The age of the person at the time of occurrence of the criminal offense or offenses; The seriousness of the offense or offenses; Any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct; the Olympic Authority's legitimate interest in protecting property, and the safety and welfare of specific individuals, the Olympic Authority's employees and volunteers, or the general public.
3. Should the Office of Human Resources determine that the information contained in a Report reflects that hiring or promoting the Candidate could negatively impact the Olympic Authority's interests, the Office of Human Resources will promptly notify Venue Management for the Covered Position and the Olympic Authority's Office of General Counsel, whereby a determination will be made as to whether an adverse action is warranted.
4. Should the background check yield a Report that contains no Negative Information, the Candidate will be so notified in writing by the Office of Human Resources.

b. Pre-Adverse Action Notice

1. If an adverse action is contemplated, the Office of Human Resources will issue by certified mail, return receipt requested, a written Pre-Adverse Action Notice (attached as Exhibit A) to the Candidate along with: (1) a copy of the Report; (2) contact information for the TPA including name, address, and telephone number; and (3) the "Summary of Rights under the Fair Credit Reporting Act" (attached as Exhibit B).
2. The Candidate will be given ten (10) business days from the date of receipt of the Pre-Adverse Action Notice to dispute information contained in the Report that led to the negative determination by contacting the TPA and providing correct information regarding their criminal history, credit history, and/or SafeSport disciplinary record, including evidence that they did not commit the offense (e.g., in the case of

misidentification), evidence of rehabilitation or character, the length of time since the last criminal conviction, other factors relevant to the negative determination, and other extenuating circumstances, including but not limited to disparate legal and enforcement practices. Extensions may be provided to the Candidate at the sole discretion of the Olympic Authority. Should a Candidate fail to either provide a response within ten (10) business days of the date of receipt of the Pre-Adverse Action Notice, or to request an extension of time to respond, the Olympic Authority shall inform the Candidate that his/her name has been withdrawn from consideration and/or take action to remove the Candidate from the Covered Position, whether by termination or by changing their job responsibilities. Any such action is within the Olympic Authority's sole discretion and the Candidate shall have no right to appeal or challenge such action by the Olympic Authority.

3. Upon receipt of any corrected Report, the Office of Human Resources, the Olympic Authority's Office of General Counsel, and Venue Management will discuss the information contained in the Report and make a determination in accordance with Article 23-a and other applicable laws, including FCRA and SafeSport. Said determination will be made within five (5) business days from the date the Office of Human Resources received the corrected Report from the TPA. Any such action is within the Olympic Authority's sole discretion and the Candidate shall have no right to appeal or challenge such action by the Olympic Authority.

4. Should the background check yield a Report that contains no Negative Information, the Candidate will be so notified in writing by the Office of Human Resources.

c. Adverse Action Notice

If the Olympic Authority determines to take adverse action based in whole or in part on information contained in the Report, the Office of Human Resources will issue by certified mail, return receipt requested, a written Adverse Action Notice to the Candidate that includes: (1) a description of the adverse action being taken (e.g., rejection of the application) and that the action has been taken based in whole or in part on information contained in the Report; (2) a statement that the TPA did not make the decision to take adverse action and is unable to provide the reason for such decision; and (3) the rights of the Candidate to obtain a free copy of the Report from the TPA and to dispute information contained in the Report with the TPA. Any such action is within the Olympic Authority's sole discretion and the Candidate shall have no right to appeal or challenge such action by the Olympic Authority.

5.6 Protection of Personal Information

In accordance with the requirements of Public Officers Law § 87 (2), Public Officers Law §§ 9199, and the FCRA, all information collected through the background check process

will be used solely for employment considerations and will be kept strictly confidential and protected against unauthorized access, use, and disclosure.

5.7 Record-Keeping

- a. The Report will be maintained by the Office of Human Resources and kept for a period of four (4) years from the date the Report was completed.
- b. At the expiration of the four (4) years, the Report will be deleted from the Office of Human Resources database/information system and all paper copies, if any, will be destroyed.

VI. VIOLATIONS

Violations of this Policy by Candidate, including the provision of false or fraudulent information, will result in disciplinary action up to and including termination. Any violation may also be subject to prosecution under applicable federal, state or local law.

VII. POLICY REVIEW

This Policy will be reviewed and updated on an annual basis.

Exhibit A

Date

Applicant Name
Address
City, State Zip Code

Dear [Name]:

A decision is currently pending concerning your application for employment with the Olympic Authority. Enclosed is a copy of the consumer report(s) that you authorized [TPA Name] to obtain in regard to your application for employment, together with “A Summary of Your Rights Under the Fair Credit Reporting Act.”

The contents of the report are currently under review in consideration of your employment. If the report contains any information that is inaccurate or incomplete, you must contact our office within ten (10) business days of the date of this letter so that the corrected information can be reviewed prior to an employment decision being made.

In accordance with the Fair Credit Reporting Act, you have the right to dispute the accuracy or completeness of the information contained in your report by contacting the consumer reporting agency from which we obtained the report, the name, address, and contact information of which is:

[TPA Name, Address and Contact Info]

Thank you for your interest in employment with the Olympic Authority.

Sincerely,

Office of Human Resources

Exhibit B

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - o a person has taken adverse action against you because of information in your credit report;
 - o you are the victim of identity theft and place a fraud alert in your file;
 - o your file contains inaccurate information as a result of fraud;
 - o you are on public assistance;
 - o you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- You have the right to dispute incomplete or inaccurate information. If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information. Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- Consumer reporting agencies may not report outdated negative information. In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- Access to your file is limited. A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- You must give your consent for reports to be provided to employers. A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- You may limit “prescreened” offers of credit and insurance you get based on information in your credit report. Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

- You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.
- As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

- A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.
- You may seek damages from violators. If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- Identity theft victims and active duty military personnel have additional rights. For more information, visit www.consumerfinance.gov/learnmore .

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

Type of Business:	Contact:
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission: Consumer Response Center – FCRA 600 Pennsylvania Avenue, NW Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box. 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings, Aviation Consumer Protection Division, Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board, Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access, United States Small Business Administration 409 Third Street, S.W., 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA 600 Pennsylvania Avenue, NW Washington, DC 20580 (877) 382-4357</p>

NOTICE SPECIFIC TO NEW YORK: You have the right, upon request, to be informed of whether or not a consumer report was requested. If a consumer report was requested, you will be provided with the name and address of the consumer reporting agency furnishing the report. You may inspect and receive a copy of the report by contacting that agency. For a summary of your rights under New York State law, see N.Y. Correct. Law §§ 750–55.



NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Resolution # 502

RESOLUTION PERMITTING THE MEMBERS OF THE BOARD OF DIRECTORS TO ATTEND MEETINGS BY VIDEOCONFERENCING, IN NON-PUBLIC LOCATIONS, UNDER EXTRAORDINARY CIRCUMSTANCES

At a meeting of the Board of Directors of the Olympic Regional Development Authority (Olympic Authority) held on June 23, 2023, the Chair offered the following resolution:

WHEREAS, in passing Chapter 56 of the Laws of 2022 (“Chapter 56”), the New York State Legislature amended Article 7 of the Public Officers Law (“Open Meetings Law”) permitting public bodies such as the Olympic Regional Development Authority (“Olympic Authority”) to authorize its members to attend meetings by videoconferencing, where attendance will not be at a previously noticed location that is open to the public, under extraordinary circumstances; and

WHEREAS, pursuant to Public Officers Law §103-a (2) (a), the authority to permit such attendance under extraordinary circumstances is dependent on the adoption by the Olympic Authority’s Board of Directors, of a resolution following a public meeting, authorizing the limited use of videoconferencing under such circumstances; and

WHEREAS, Public Officers Law § 103-a (2) allows for hybrid meetings by requiring “that a minimum number of members are present to fulfill the public body’s quorum requirement in the same physical location or locations where the public can attend”; and

WHEREAS, Public Officers Law § 103-a (2) (c) requires that members be physically present at any such meeting “unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances . . . including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting”; and

WHEREAS, in accordance with Public Officers Law § 103-a (2) (d), any members attending by videoconference must, excerpt during executive session, be “heard, seen and identified, while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon”; and

WHEREAS, Public Officers Law § 103-a (2) (g) requires that any meeting where a member attends by videoconference be recorded, posted to the Olympic Authority website within five (5) business days, and transcribed upon request; and

WHEREAS, Public Officers Law § 103-a (2) (h) requires, in pertinent part, that members of the public be permitted to attend by videoconference when a member attends by videoconference.

Renee Fitzgerald, Secretary to the Board, being duly sworn, deposes and says:

The above Resolution # 502 was duly passed by the Board of Directors on June 23, 2023.

Signature _____

Title: Secretary to the Board of Directors

Sworn before me this _____ day of June, 2023.

Notary Public, State of New York

DRAFT

**Procedural Rules for Remote Participation in Board Meetings**

In compliance with Public Officers Law (POL) § 103-a (2) (a), following a public meeting the Olympic Regional Development Authority (“Olympic Authority”), by resolution on June 23, 2023, authorized the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a (2) (b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member attendance.

1. Olympic Authority Board Members shall be physically present at any meeting of the Olympic Authority unless such member is unable to be physically present at one of the designated public meeting locations due to an extraordinary circumstance.
2. For purposes of these procedures, the term “extraordinary circumstance” shall be defined to include a disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
3. If a member is unable to be physically present at one of the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Chair, or if the Chair is unavailable, the Vice-Chair, by no later than four (4) business days prior to the scheduled meeting, to enable the Olympic Authority to revise the public notice for the meeting to indicate that the meeting will be conducted by use of videoconferencing and include directions for public viewing of the meeting. If extraordinary circumstances present themselves on an emergent basis within four (4) days of the date a meeting, the Olympic Authority shall update its notice as soon as practicable to include such information. If it is not practicable for the Olympic Authority to update its notice, the Olympic Authority may, but is not required to, reschedule its meeting, or may move forward with the scheduled meeting and the member who is unable to be physically present shall not be allowed to participate or vote in the meeting.
4. If there is a quorum of members participating at a physical location(s) open to the public, the Olympic Authority may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the Olympic Authority, but may participate and vote if there is a quorum of members at a physical location(s) open to the public.
5. Except in the case of executive sessions conducted pursuant to POL § 105, and in accordance with its By-Laws, the Olympic Authority shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or

voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.

6. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
7. The public notice for the meeting shall inform the public: (i) that extraordinary circumstances videoconferencing may be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
8. The Olympic Authority shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Olympic Authority website within five (5) business days following the meeting, and shall remain so available for a minimum of five (5) years thereafter. Such recordings shall be transcribed upon request.
9. If members of the Olympic Authority are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Olympic Authority shall provide the opportunity for members of the public to view such meeting by video.
10. Open meetings of the Olympic Authority conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a shall be broadcast pursuant to the requirements of POL § 103(f) and shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines. For the purposes of this guideline, the term “disability” shall have the meaning defined in Executive Law § 292.
11. The in-person participation requirements of POL § 103-a (2) (c) shall not apply during a State disaster emergency declared by the Governor pursuant to Executive Law § 28 or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to Executive Law § 24, if the Olympic Authority Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Olympic Authority Board to hold an in-person meeting.
12. These procedures shall be conspicuously posted on the Olympic Authority website.