

**11344. RESOLUTION 17-66 – ADOPTION OF AMENDMENT TO
PERSONNEL MANUAL REGARDING BOARD-APPOINTED POSITIONS**

WHEREAS, Article 2.4 of the by-laws of the Delaware River and Bay Authority (“Authority”) provide that the Authority’s Board of Commissioners (“Board”) shall have the authority for the appointment and dismissal of the Secretary, Executive Director, Deputy Executive Director, and Chief Financial Officer; and

WHEREAS, Article 2.4 further provides that employment actions relating to these officers “shall be authorized by the Commissioners by Resolution of the Commissioners”; and

WHEREAS, the by-laws further provide that these officers “shall continue to hold office until their respective successors are elected or appointed and qualified”; and

WHEREAS, Article XVIII of the Personnel Manual of the Authority states that permanent full-time employees are subject to dismissal for cause or under conditions set forth in Article XIII involving work funding or reorganizations; and

WHEREAS, the Personnel Manual defines a “permanent full-time employee” as “an employee who has satisfactorily completed the probationary period, and has been accepted into a 12-month position”; and

WHEREAS, the officers set forth above (“Secretary, Executive Director, Deputy Executive Director, and Chief Financial Officer”) are appointed in the sole discretion of the Board, are not subject to the hiring processes of the Personnel Manual, do not serve probationary periods, and serve only until their respective successors are elected or appointed and qualified; and

WHEREAS, the above officers do not fall into any of the employee categories identified in the Personnel Manual (“Probationary,” “Permanent Full-Time,” “Seasonal” “Casual,” or “Permanent Part-time”); and

WHEREAS, confirmation that Board-appointed officers are not subject to Article XVIII of the Personnel Manual aids the proper interpretation of the Manual;

NOW, THEREFORE, BE IT RESOLVED, that the Delaware River and Bay Authority hereby approves as follows:

Article IV is amended to include the following additional provision, Section G:

G. A “BOARD APPOINTED OFFICER” is any employee in the position of Executive Director, Deputy Executive Director, Secretary, or Chief Financial Officer. Board Appointed Officers are appointed in the sole discretion, and serve at the pleasure, of the Board of Commissioners.

Article XVIII is amended to include the following additional provision, Section D, confirming as follows:

D. Board Appointed Officers are not subject to the provisions of this Article, including but not limited to the Tenure Policy.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the proper officers and employees of the Authority are hereby authorized to take whatever action to execute whatever instruments with the advice and consent of General Counsel may be necessary or convenient to carry out the foregoing resolution.

Resolution 17-66 Executive Summary

Resolution: Adoption of Amendment to Personnel Manual Regarding Board-Appointed Positions.

Committee: Personnel Committee

Committee/Board Date: December 19, 2017

Purpose of Resolution: To confirm that Board-appointed positions are not subject to the tenure provisions of the Personnel Manual.

Background for Resolution: The Personnel Manual sets forth certain employee classifications but does not address Board-appointed positions. This Resolution confirms that Board-appointed officers are not subject to any tenure provisions of the Personnel Manual, as their employment is governed by the Authority's by-laws.