



TOWN OF OLIVE, NEW YORK

EMPLOYEE-RELATED FOIL POLICY	Issued Date:
Issued by: The Town Board	Revision Date: N/A

PURPOSE

In accordance with NY Public Officers Law §87(6), the Town Board hereby adopts this policy, which shall govern in instances that a request is received by the Town for Employee disciplinary records. When necessary, this policy may be revisited to determine whether changes to it should be made. After such a determination, the Town Board may amend this policy for whatever reason.

DEFINITIONS

“Employee” shall mean an individual currently or previously appointed for employment by the Town Board, including Police Officers. This definition shall not include elected officials or Town Officers.

“Employee Disciplinary Records” for the purpose of this policy shall mean any “record created in furtherance of a ...disciplinary proceeding,” including, but not limited to, any of the following:

- (a) the complaints, allegations, and charges against an employee;
- (b) the name of the employee complained of or charged;
- (c) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
- (d) the disposition of any disciplinary proceeding; and
- (e) the final written opinion or memorandum supporting the disposition and discipline imposed including the agency's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

“Freedom of Information Law” (“FOIL”) shall mean any request for information received pursuant to NY Public Officers Law §84, et seq.

“Response” shall mean the final submission made to the requestor of documents under FOIL. This shall include an initial response and the response to any potential appeal.

APPLICABILITY

In the event the Town receives a request for documents that pertains to an employee, this policy will govern the notification to be sent to said employee regarding the same. In the event that a negotiated procedure exists within a collective bargaining agreement, that procedure will control.

POLICY

Upon the receipt of a request for employee disciplinary records, the Town will notify the affected employee, in writing, of the request as soon as administratively feasible. In the event that request is made by the at-issue employee for their own records, notification will not be provided under this policy. As FOIL requires responses to be made within a certain time frame, a response may need to be issued before the employee is notified of the request. If a response has already been issued before the employee is notified of the request, they will be informed of that fact within the notification.

Any notification issued under this policy will be in writing and delivered to the employee either personally or by certified mail.¹ In the event that the employee the request pertains to is no longer employed by the Town, reasonable efforts will be made to notify the former employee in the manner referenced above or through other reasonable means.

FOIL requires the Town to engage in a specific analysis of whether documents are to be released under the obligations contained within the statutory guidelines. Given the statutory mandates imposed on the Town, an employee will not be in a position to object to the release of documents. Although an employee will not be afforded an opportunity to object to the release of documents involving them, all responses to a request will be provided to the employee upon written request. Additionally, the Town will review all documents to determine whether release is required under FOIL, while also considering applicable exemptions to protect personal privacy.

Should there be any questions relating to this policy, please contact the Town Supervisor's Office.

¹ A notification template is attached hereto.

Town of Olive
45 Watson Hollow Road
West Shokan, NY 12494

[DATE]

Via Certified Mail or Personal Delivery

[Employee]

[Address]

FREEDOM OF INFORMATION LAW REQUEST NOTIFICATION

Please take notice:

A freedom of information law ("FOIL") request/appeal was received by the Town on ____[DATE]____ that seeks your disciplinary records. The request for information can not be provided to you due to confidentiality. An initial response has/'nt been issued as of this date. A final response is expected to be issued by ____[DATE]____. Due to the obligations imposed on the Town pursuant FOIL, you will not be given a chance to object to the release of documents. However, the Town will review the documents to determine whether release is appropriate under FOIL while also considering your right to personal privacy. Should you wish to receive a copy of what was released, please provide a written request to the Town Clerk. If you have any questions in regard to this notification, please feel free to contact the Town Supervisor.

cc: Personnel File