



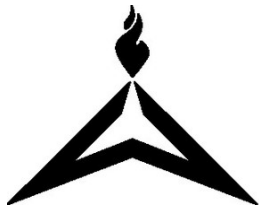
NEW YORK STATE  
**OLYMPIC REGIONAL  
DEVELOPMENT AUTHORITY**

**GOVERNANCE COMMITTEE MEETING**  
**Lake Placid Conference Center, Lake Placid, NY**  
**June 11, 2024**  
**11:00 a.m.**

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**AGENDA**

- I. INTRODUCTION**
  - a. Welcome**
  - b. Roll Call**
  - c. Approval of Minutes from April 12, 2024 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 2024/2025 and Proposed Resolution #536**
  - b. Certain Policies and Procedures and Proposed Resolution #537**
  
- IV. ADJOURN**



NEW YORK STATE

# OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

## Governance Committee Meeting Minutes April 12, 2024

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

Also Present: Ashley Walden, President & CEO  
Michelle Crew, General Counsel

Introduction: Chris Pushkarsh called the meeting to order at 11:04 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](http://www.orda.org).

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

Minutes: On a motion by Art Lussi, seconded by Diane Munro, the minutes of the Governance Committee meeting held on March 8, 2024, were approved without changes.

Discussion: Chris Pushkarsh explained that the first item on the agenda was the Mission Statement Performance Measures and Proposed Resolution #524.

Michelle Crew explained that in February 2022, the Board approved an updated Mission Statement in Resolution #439. The Board now needs to approve a set of performance measures that will be used to help evaluate how the Olympic Authority is delivering upon its mission. In addition, the Olympic Authority needs to include a list of stakeholders and their reasonable expectations.

Chris Pushkarsh asked for a motion to recommend that the Board of Directors adopt proposed resolution #524 as presented.

On a motion by Art Lussi, seconded by Joe Martens.

Chris Pushkarsh then asked for a motion to amend proposed resolution #524 to include the list of performance measures as discussed and agreed to.

On a motion by Art Lussi, seconded by Joe Martens.

5 in favor, 0 opposed, 0 abstained, the motion to amend resolution #524 to include the list of performance measures as discussed and agreed to carried unanimously.

The committee then voted on the motion to recommend that the Board of Directors adopt proposed resolution #524 as amended.

5 in favor, 0 opposed, 0 abstained, the motion carried unanimously.

Executive Session: On a motion by Joe Martens, seconded by Diane Munro, the Governance Committee entered into Executive Session to discuss a matter leading to the employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person.

After a motion and second, the Olympic Authority Governance Committee voted to exit Executive Session and resumed public session. No action was taken during Executive Session.

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

Adjournment: On a motion by Joe Martens, seconded by Steve Hunt, the meeting of the Governance Committee was adjourned at 11:58 a.m.



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution #536

#### **RESOLUTION APPROVING POLICY MAKERS FOR 2024/2025**

At a meeting of the Board of Directors of the Olympic Regional Development Authority (“Olympic Authority”) held on June 26, 2024, 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 11, 2024, 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 #536 was duly passed by the Board of Directors on June 26, 2024.

Signature \_\_\_\_\_

Title: Secretary to the Board of Directors

Sworn to before me this \_\_\_\_\_ day of June, 2024.

\_\_\_\_\_  
Notary Public, State of New York



## NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

### Resolution #537

#### **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 26, 2024, the Chair offered the following resolution:

**WHEREAS**, pursuant to Public Authorities Law § 2824 (1), the Olympic Authority Board of Directors is charged with establishing written policies and procedures governing personnel, including policies protecting employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee or board member, codes of ethics, investments, travel, the acquisition of real property, the disposition of real and personal property, the procurement of goods and services, and other policies that will enable the Olympic Authority to accomplish its mission and statutory responsibilities; and

**WHEREAS**, consistent with applicable law, the Olympic Authority has implemented and adopted comprehensive policies, procedures and guidelines that are to be reviewed and approved by the Board annually; and

**WHEREAS**, annexed hereto and made a part hereof, are the following policies of the Olympic Authority that have been approved and adopted by the Board:

- Background Check Policy
- Code of Ethics Policy
- Defense and Indemnification Policy
- NYS Equal Employment Opportunity Rights & Responsibilities Handbook
- Open Data Policy
- Paid Family Leave Policy
- Procedural Rules for Remote Participation in Board Meetings
- Property Disposition Policy
- Service Animal Policy
- Whistleblower Policy
- Investment of Corporate Funds Policy
- Gender-Based Violence and the Workplace Policy

**WHEREAS**, pursuant to Public Authorities Law § 2925 (6) and the Olympic Authority’s Investment of Corporate Funds 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**, at a duly called meeting of the Executive Committee held on June 11, 2024, the Executive Committee recommended the Board’s approval of the Investment Policy and the approval of the Annual Investment Report, based on the Committee’s thorough review and consideration of such policy and report; and

**WHEREAS**, the Olympic Authority’s Background Check Policy has been amended further to include additional Olympic Authority personnel, as further detailed in the Background Check Policy, who will be subject to initial background check requirements as a condition of employment; and

**WHEREAS**, Section IV.F. of the Olympic Authority’s Management Confidential Employee Handbook has been amended to reflect that certain designated holidays may be recorded as comp holidays for those employees who need to work on a designated holiday, as reflected in the revised Section IV.F. that is annexed to this resolution along with the policies discussed herein; and

**WHEREAS**, at a duly called meeting of the Governance Committee held on June 11, 2024, the Governance Committee recommended the approval of the revised Background Check Policy, as amended, and of the revised Section IV.F. of the Management Confidential Employee Handbook, based on the Committee’s thorough review and consideration of such revised policies;

**NOW, THEREFORE, BE IT RESOLVED THAT**, after careful consideration and due deliberation, the Olympic Authority Board of Directors hereby approves and adopts the policies of the Olympic Authority annexed hereto, including the Annual Investment Report and revised Background Check Policy, effective immediately, and that with the exception of the revised section of the Management Confidential Employee Handbook, each of the approved policies 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 #537 was duly passed by the Board of Directors on June 26, 2024.

Signature \_\_\_\_\_  
Title: Secretary to the Board of Directors

Sworn to before me this \_\_\_\_\_ day of June, 2024.

\_\_\_\_\_  
Notary Public, State of New York



NEW YORK STATE  
**OLYMPIC REGIONAL  
DEVELOPMENT AUTHORITY**

**BACKGROUND CHECK POLICY**

Effective June 26, 2024

**I. PURPOSE AND SCOPE**

In making employment decisions, 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, applicants for employment in specified positions 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 is necessary to determine the overall fitness of an applicant for employment, to ensure the promotion of a safe work environment for other Olympic Authority employees, to ensure the protection of Olympic Authority assets and information, and to ensure the safety of the visiting public and the many athletes who utilize Olympic Authority venues for training and competition.

In addition, due in part to certain 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 (“USOPC”), for those Olympic Authority staff who are employed in specific titles defined herein, there will be a requirement for ongoing background checks during the terms of their employment. Information derived from these ongoing background check requirements will be used by the Olympic Authority to determine the continued fitness of those employees for the duties of the titles they hold.

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**

a. **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.

b. **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.

c. **Candidate** – shall mean any person who has applied for or is being considered for a full-time, part-time, or temporary/seasonal position, including those positions identified in Categories 1, 2, or 3 herein. This definition also includes any current Olympic Authority employee holding positions and/or titles identified in Category 2 or Category 3, who are subject to ongoing background checks.

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

e. **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.

f. **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 or welfare of Olympic Authority employees or volunteers, or to the general public.

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

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

i. **SafeSport** – shall mean the Safe Sport 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 and Paralympic Movement by passing the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017. This legislation designates the Center 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 and 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. The Olympic Authority is not under the jurisdiction of the Center. However, as a USOPC Training Center, 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.

j. **TPA** – shall mean Third-Party Administrator.

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

### III. APPLICABILITY

Every Candidate applying for a full-time, part-time, or temporary/seasonal position will be subject to a multi-jurisdictional search of sex offender registries. The reason for this requirement is to ensure the safety and security of all venue guests and Olympic Authority staff. Each Candidate will be evaluated in accordance with Section 5.5 herein.

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

- a. 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:

President & CEO	Vice President
General Counsel	Attorney
Venue Manager	Assistant Venue Manager
Director	Assistant Director
Lake Placid Museum Director	

Category 1 Covered Positions will also include any Candidate for a position 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” and any Candidate whose job responsibilities include, but are not limited to, the following: implementing and maintaining hardware and software infrastructure; providing technical support and offering troubleshooting solutions for both hardware and software issues; managing cybersecurity protocols to safeguard sensitive data; conducting regular system audits to ensure compliance with established policies; overseeing network performance for optimal operational efficacy; and collaborating with various departments to assess and fulfill technology-related needs.

Category 1 Covered Positions will also include any Candidate whose job responsibilities include or will encompass handling financial transactions in any form, managing financial data, accessing financial systems, software, or databases containing sensitive information, overseeing monetary resources (including the management of petty cash, cash registers, or other forms of physical currency), approving financial transactions, signing checks, authorizing payments, or gaining access to Personal, Private, Sensitive Information as part of their job responsibilities.

Personal, Private, Sensitive Information (PPSI) refers to any information that could potentially identify an individual and expose them to identity theft or other forms of risk if disclosed. This may include, but is not limited to, Social Security numbers, financial account details, medical records, and other confidential personal data. Proper handling of PPSI is crucial for maintaining the integrity and security of the Olympic Authority and is considered a key responsibility for applicable Category 1 Covered Positions.

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 a 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 herein.

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

1. 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 explicitly included in Category 2: Laborer, Ski Instructor, Labor Supervisor, Department Supervisor, Department Manager, Program Manager.
2. Those positions in which the job responsibilities involve or will involve a Candidate working as a certified lifeguard at any Olympic Authority venue. The title “Lifeguard” is explicitly included in Category 2.
3. 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 explicitly includes any position coded to “RET” (also known as retail) and “RNT” (also known as rental).
4. 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.
5. 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 explicitly includes any position coded to “MCR” or “ZIP”.
6. Those positions in which the job responsibilities involve or will involve a Candidate having close contact with venue guests, including but not necessarily limited to: Olympic Authority venue attractions and/or venue experiences such as the Climbing Wall, Mountain Biking, Discover Luge, Discover Biathlon, and youth group venue tours.

Any Candidate for a Category 2 Covered Position, including any Candidate under the age of 18, 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.

c. 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 explicitly includes, but is not necessarily limited to, the following titles: all staff coded to “SPT,” also known as ski patrol; all staff coded to “MED,” also known as Medical; all staff coded to “EVT,” also known as Events, Ice Resurfacing Machine Operators, and all other staff and/or volunteers who serve in a position of authority over Athletes or

who have regular contact with Athletes as those terms are defined in the Olympic Authority-USOPC Agreement.

Any Candidate for a Category 3 Covered Position shall undergo a comprehensive background check as set forth in Section 5.3 (a) herein, both prior to initial appointment and bi-annually thereafter. Additionally, any Candidate for a Category 3 Covered Position will be subject to a supplemental, partial background check as set forth in Section 5.3 (b) herein, during the intervening years.<sup>1</sup>

#### **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.

b. All job postings for a Covered Position shall include the following statement:

*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 (General Business 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*

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<sup>1</sup> Candidates eligible for Category 3 Covered Positions, who are subject to background checks under this Section, do not include individuals under the age of 18.

*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 will 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 laws.

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 their 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 any Candidates who holds 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 their name from consideration and the Olympic Authority will take action, in its sole discretion, 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.

- 3. SafeSport Disciplinary Records (**Category 3 Covered Positions Only**) – any Negative Information obtained from a search of SafeSport disciplinary records, conducted via the centralized disciplinary database found at <https://uscenterforsafesport.org/response-and-resolution/centralized-disciplinary-database/>, will be treated in a manner consistent with New York Law, including Article 23-A, in accordance with the terms and conditions of this Policy.

- b. **Supplemental Background Checks.** A supplemental off-year background check will be conducted every other year 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 obtained from a search of SafeSport disciplinary records, conducted via the centralized disciplinary database found at <https://uscenterforsafesport.org/response-and-resolution/centralized-disciplinary-database/>, will be treated in a manner consistent with New York Law, including Article 23-A, as well as in accordance 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 act as a full-service screening organization working 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 based on Negative 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 any previous criminal offense(s) 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 any criminal offense(s) for which the person was previously convicted will have on their fitness or ability to perform one or more such duties or responsibilities; the time that has elapsed since the occurrence of any criminal offense(s); the age of the person at the time of occurrence of any criminal offense(s); the seriousness of any criminal offense(s); any information produced by the person, or produced on their behalf, in regard to their 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 any Negative Information contained in a Report reflects that hiring or promoting a Candidate could negatively impact the Olympic Authority's interests, the Office of Human Resources will promptly notify the Department head or Venue management for to whom the Candidate has applied for a Covered Position or for whom the Candidate is currently working in a 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 (see Exhibit A attached hereto).

**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 hereto).

2. The Candidate will be given ten (10) business days from the date of receipt of the Pre-Adverse Action Notice to dispute any 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 their 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 either the Department head or Venue management, as applicable, 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 receives 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. The result of the Olympic Authority's review of any corrected Report will be communicated in writing to the Candidate 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 §§ 91-99, 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 a 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 on an annual basis and updated as necessary.

**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](http://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](http://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](http://www.consumerfinance.gov/learnmore) for additional information.

- You have the right to ask for a credit score. Credit scores are numerical summaries of your creditworthiness 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](http://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](http://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](http://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:**

<b>Type of Business:</b>	<b>Contact:</b>
<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 &amp; 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., 8<sup>th</sup> 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.

## Revised Section IV.F. to Management Confidential Employee Handbook

### Holidays

The Olympic Authority grants twelve (12) paid holidays per year to each employee as follows:

1. New Years Day
2. Martin Luther King Day
3. Presidents Day
4. Memorial Day
5. Juneteenth
6. Independence Day
7. Labor Day
8. Indigenous Peoples Day
9. Veterans Day
10. Thanksgiving Day
11. Christmas Day
12. Each MC Employee's Birthday

For those employees whose normal work schedule is from Monday through Friday, designated holidays falling on a Saturday shall be observed on the preceding Friday, and holidays falling on a Sunday shall be observed on the following Monday.

For those employees with a non-traditional schedule (pass days scheduled on days other than Saturday and Sunday), designated holidays falling on a pass day shall be observed the first scheduled day immediately after the pass day. **In such situations, the employee's supervisor must designate the pass day on the employee's timecard for that pay period.**

The Olympic Authority encourages its MC staff to take the day off on designated holidays. However, the Olympic Authority also recognizes that, especially during the winter season (generally November through April of each year), the needs of the organization may require that MC employees be available to work on a designated holiday. Therefore, effective October 1, 2024, for any MC employee who works on a designated holiday, upon their supervisor's approval of the employee's timecard the designated holiday will be recorded in the employee's leave accruals as a comp holiday, which may then be used as leave time on another date within the parameters set forth below.

**With the exception of comp holiday leave time resulting from an employee's birthday, comp**

**holiday leave time will begin on October 1 of each year and must be used by September 30 of the following year, or the employee will lose the time.** Comp holiday time will not accrue from year to year and no employee will be paid for comp holiday time if they do not use that leave time by the expiration date of September 30.

**For comp holiday leave time resulting from an employee having worked on their birthday,** the employee will have one year from the date of their birthday to use that leave time. The comp holiday time will not accrue from year to year and no employee will be paid for that time if it is not used by that one year date.

As is true with all leave time, the use of all comp holiday time is subject to the approval of the employee's supervisor, based on the needs of the organization. However, supervisors are expected to work cooperatively with their staff to enable them to schedule and take time off, to ensure that no employee is prevented from using leave time that will not roll over into future years.