

CORNING JOINT FIRE DISTRICT

Commissioner Attendance Policy

Adopted: October 30, 2019

Revised:

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| Policy #: | |
| Policy: | Commissioner Attendance Policy |
| Effective Date: | October 30, 2019 |
| Authority: | Town Law § 176-c; Town Law § 176 (21) |
| Cross-reference: | |

Purpose: It is the policy of the Corning Joint Fire District (“Fire District”) that duly elected commissioners participate in the deliberative processes and be actively involved in discharging the obligations and responsibilities of the Board of Fire Commissioners. Failure to do so places an undue burden on other commissioners and can preclude the Board from having the quorum needed to conduct the business of the Fire District. From time to time, it may be necessary for a commissioner to miss a regular meeting of the Board of Fire Commissioners. The purpose of this policy is to establish criteria and procedures for designating excused and unexcused absences and to designate the number of absences that the Board will deem to be excessive.

Statutory References: Town Law § 176 (21), § 176-c, and Public Officer’s Law § 36.

Policy: Pursuant to Town Law 176-c, a fire commissioner may be removed from office for dereliction of duty including excessive, unexcused absences from regularly scheduled meetings. Unexcused absences will be determined as follows:

1. The Board of Fire Commissioners shall determine whether a commissioner’s absence from a meeting is considered to be excused or unexcused.
2. In order for a commissioner’s absence from a regularly scheduled meeting to be considered to be an excused absence, the absent commissioner must notify the Secretary of the Fire District in writing not less than 24 hours before the meeting that he or she is unable to attend the meeting and that he or she is requesting to be excused from the meeting. Notification by email to the Secretary’s official email address for receipt of Fire District email shall be deemed sufficient written notice.
3. At the Regular Meeting of the Board of Fire Commissioners, the Board shall determine by majority vote, upon seconded motion, if the commissioner’s absence is to be deemed to be an excused absence.
4. There is a presumption that commissioner absences resulting from a commissioner’s sudden or acute illness or injury, or family illness, injury or death shall be deemed to be excused absences. In such instances, the commissioner is still obligated to advise the Fire District Secretary in writing of his or her anticipated absence but shall not be obligated to the 24 hour advance notification

requirement set forth in Paragraph 2 above. The presumption stated herein may be rebutted by proof challenging the validity of the claimed excuse.

Four (4) unexcused absences in a calendar year will be deemed to be excessive and a commissioner who accrues four unexcused absences will be deemed to be derelict in his or her official duties and subject to removal as provided by law.