

Development Authority of the North Country Governance Policies



Subject: Whistleblower Policy and Procedures

Adopted: October 22, 2015

Resolution: 2015-10-103



Whistleblower Policy and Procedures

SECTION 1.0 INTRODUCTION

- A. It is the policy of the Development Authority of the North Country (“Authority”) to afford certain protections to individuals who, in good faith, report violations of the Authority’s Code of Ethics, Conflict of Interest Policy, or other instances of wrongdoing within the Authority. This Whistleblower Policy and Procedures (“Whistleblower Policy”) is intended to encourage Authority Employees (defined below) to raise concerns in good faith without fear of retaliation or other adverse action.
- B. All Authority Employees, in the performance of their duties, shall conduct themselves with honesty and integrity while observing the highest standards of business and personal ethics, as set forth in the Authority’s Ethics Policy and Conflict of Interest Policy (hereinafter “Authority Policies”).

SECTION 2.0 DEFINITIONS

- 2.1 **“Good Faith”**: Information concerning Wrongdoing (defined below) is disclosed in “good faith” when the individual making the disclosure reasonably believes the information to be true.
- 2.2 **“Authority Employee”**: For purposes of this Whistleblower Policy only, all board members and employees of the Authority (including officers), whether full time, part time, employed pursuant to contract, on probation or employed on a temporary basis shall be considered an “Authority Employee.”
- 2.3 **“Whistleblower”**: Any Authority Employee who, in good faith, discloses information concerning Wrongdoing.
- 2.4 **“Wrongdoing”**: Any potential or actual corruption, fraud, criminal activity, unethical activity, violation of Authority Policies, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of authority which is (i) related to the Authority and engaged in by an Authority Employee or any person having business with the Authority, or (ii) concerning the business of the Authority.
- 2.5 **“Personnel Action”**: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or the performance evaluation of an Authority Employee.

SECTION 3.0 REPORTING WRONGDOING

A. Procedure

1. Each Authority Employee is responsible to disclose, in good faith, any Wrongdoing to his or her supervisor, or to the Authority's Ethic's Officer, General Counsel or Human Resources Officer. Good faith disclosures of Wrongdoing shall be kept confidential to the extent possible. No Whistleblower, regardless of his or her position with the Authority, will be subject to any retaliation for making a good faith disclosure of Wrongdoing, and any Authority Employee who chooses to retaliate against a Whistleblower shall be subject to disciplinary action, which may include termination of employment. Any claim of retaliation will be received and treated seriously as a separate matter, irrespective of the outcome of the initial, good faith disclosure.
2. All Authority Employees who, in good faith, have knowledge of Wrongdoing shall report the Wrongdoing in accordance with the following procedures:
 - a. The Authority Employee shall disclose information concerning Wrongdoing either orally or in writing to his or her supervisor, or to the Authority's Ethic's Officer, General Counsel or Human Resources Officer.
 - b. Wrongdoing shall be disclosed in a prompt and timely manner.
 - c. The identity of the Authority Employee and the substance of his or her disclosure will be kept confidential to the extent possible.
 - d. The supervisor, Ethic's Officer, General Counsel or human resources officer shall immediately forward any disclosure of Wrongdoing to the Executive Director who shall investigate and handle the disclosure in a prompt and timely manner. However, if the disclosure involves allegations of Wrongdoing against the Executive Director, the disclosure shall be forwarded to the Authority's Governance Committee, which shall investigate and handle the disclosure in a prompt and timely manner.
 - e. The Executive Director (or Governance Committee) may refer disclosed information to the Authorities Budget Office or to any other appropriate law enforcement agency, to be determined in the sole discretion of the Executive Director (or the Governance Committee).
 - f. If an Authority Employee reasonably believes the disclosure of information pursuant to this Whistleblower Policy would subject him or her to adverse Personnel Action or be futile, the Authority Employee may disclose the information to the Authorities Budget Office through its toll free number (1-800-560-1770).

B. No Retaliation or Interference

1. No Authority Employee shall retaliate against any Whistleblower, through threat, coercion, or abuse of authority; and, no Authority Employee shall interfere with the right of any other Authority Employee to disclose Wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:
 - a. No Whistleblower shall suffer harassment, retaliation or adverse Personnel Action.
 - b. All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose Wrongdoing will be thoroughly investigated by the Authority.

- c. Any Authority Employee who retaliates against (or who attempts to interfere with) any Whistleblower is subject to discipline which may include termination of employment.
- d. Any allegation of retaliation or interference will be taken and treated seriously and, irrespective of the outcome of the initial complaint, will be treated as a separate matter.

C. Other Legal Rights Not Impaired

1. This Whistleblower Policy is not intended to exclude, limit, diminish or impair any other rights, protections or remedies an individual may have under State and Federal laws, including, but not limited to, laws related to the disclosure of Wrongdoing and freedom from retaliation or adverse Personnel Action.
 - a. More specifically, this Whistleblower Policy is not intended to limit any rights or remedies an individual may have under New York Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).
 - b. With respect to any rights or remedies an individual may have pursuant to New York Civil Service Law § 75-b and Labor Law § 740, an employee who wishes to preserve any such rights shall, prior to disclosing information to a government body, make a good faith effort to provide the Authority with the information to be disclosed and shall provide the Authority with a reasonable time to take appropriate action, unless there is imminent and serious danger to public health or safety. See Civil Service Law § 75-b(2)(b) and Labor Law § 740(3).

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