



## **Schenectady County Industrial Development Agency Whistleblower Policy**

### **1. Purpose**

It is the policy of the Schenectady County Industrial Development Agency (the “Agency”) to afford certain protections to individuals, who in good faith report violations of the Agency’s or New York State’s Code of Ethics or other instances of potential wrongdoing within the Agency. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable any person conducting business with or working for or on behalf of the Agency to raise concerns in good faith and without fear of retaliation or adverse employment action. This policy applies to all employees, applicants for employment, interns (whether paid or unpaid), and certain other non-employee personnel conducting business, with the Agency, and all must follow and uphold this policy.

### **2. Definitions**

Good Faith: Information concerning potential wrongdoing is disclosed in “good faith” when the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

Agency Employee: All board members, and officers and staff employed at the Agency whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees. This includes the staff of the Schenectady Metroplex Development Agency who support and manage the books and records of the Agency pursuant to a pre-existing management agreement.

Whistleblower: Any Agency Employee (as defined herein) who in good faith discloses information concerning wrongdoing by another Agency Employee or concerning the business of the Agency itself.

Wrongdoing: Any alleged corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional reporting of false or misleading information, or abuse of Agency engaged in by an Agency Employee (as defined herein) that relates to the Agency.

Personnel action: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance with respect to an Agency Employee (as defined herein).

### **3. Reporting Wrongdoing**

All Agency Employees who discover or have knowledge of potential wrongdoing concerning board members, officers, or employees of this Agency; or a person having business dealings with this Agency; or concerning the Agency itself, must report such activity in accordance with the following procedures:

- a. The Agency Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the Agency's Executive Director.
- b. All Agency Employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c. The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- d. The individual to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e. Should an Agency Employee believe in good faith that disclosing information within the Agency pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Agency Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The Authorities Budget Office's toll free number (1-800-560-1770) should be used in such circumstances.

### **4. No Retaliation or Interference**

No Agency Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of Agency; and, no Agency Employee shall interfere with the right of any other Agency Employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

- a. No Agency Employee who in good faith discloses potential violations of the Agency's Ethics Policy or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b. All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Agency.

- c. Any Agency Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of the Agency's Ethics Policy or other instances of potential wrongdoing 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.

## **5. Other Legal Rights Not Impaired**

The Whistleblower Policy and Procedures set forth herein are not intended to limit, diminish or impair any other rights or remedies that an individual may have under the law with respect to disclosing potential wrongdoing free from retaliation or adverse personnel action.

- a. Specifically, these Whistleblower Policy and Procedures are not intended to limit any rights or remedies that an individual may have under the laws of the State of New York, including but not limited to the following provisions: 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 that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any employee who wishes to preserve such rights shall, prior to disclosing information to a government body, have made a good faith effort to provide the appointing Agency or his or her designee the information to be disclosed and shall provide the appointing Agency or designee 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]; Labor Law § 740[3]).

This Policy is subject to modification and amendment at the discretion of the Agency in accordance with the PAL and the Act. On or before March 31 of each year, the Agency will review and approve the Policy annually. On or before March 31<sup>st</sup> of each year, the Policy most recently reviewed and approved must be filed with the Comptroller of the State, posted on the Agency's website and maintained on the Agency's website until a policy for the following year or an amended policy is posted.