



## **Schenectady County Capital Resource Corporation Whistleblower Protection Policy**

### **1. Purpose**

It is the policy of the Schenectady County Capital Resource Corporation (the “CRC”) to afford certain protections to individuals, who in good faith report violations of the CRC’s or New York State’s Code of Ethics or other instances of potential wrongdoing within the CRC. 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 CRC 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 CRC, 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.

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

Whistleblower: Any Employee (as defined herein) who in good faith discloses information concerning wrongdoing by another Employee or concerning the business of the CRC 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 CRC engaged in by an Employee (as defined herein) that relates to the CRC.

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

### **3. Reporting Wrongdoing**

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

- a. The Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the CRC's Executive Director.
- b. All 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 Employee believe in good faith that disclosing information within the CRC pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement CRC, 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 Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse; and, no Employee shall interfere with the right of any other Employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

- a. No Employee who in good faith discloses potential violations of the CRC'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 CRC.
- c. Any Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of the CRC'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 CRC or his or her designee the information to be disclosed and shall provide the appointing CRC 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 CRC in accordance with the PAL and the Act. On or before March 31 of each year, the CRC 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 CRC’s website and maintained on the CRC’s website until a policy for the following year or an amended policy is posted.