

# **WHISTLEBLOWER ACCESS AND ASSISTAMNCE PROGRAM**

## **PURPSOSE**

It is the policy of the County of Westchester Industrial Development Agency to afford certain protections to individuals who in good faith report violations of the Agency's Code of Ethics or other instances of potential wrongdoing within the Public Agency. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to raise concerns in good faith within the Agency and without fear of retaliation or adverse employment action.

## **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.

“Public Agency Employee”: All board members, and officers and staff employed at the County of Westchester Industrial Development Agency whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

“Whistleblower”: Any Public Agency Employee (herein defined) who in good faith discloses information concerning wrongdoing by another Public Agency employee, or concerning the business of the Public 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 authority engaged in by a Public Agency Employee (as herein defined) that relates to the Public Authority.

“Personnel action”: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

## **SECTION 1: REPORT WRONGDOING**

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

- a) The Public Agency Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the Public Agency's ethics officer, general counsel or human resources representative.

- b) All Public 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 New York State Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e) Should a Public Agency Employee believe in good faith that disclosing information within the Public Agency pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Public 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.

## **SECTION II: NO RETALIATION OR INTERFERENCE**

No Public Agency Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority: and, no Public Agency Employee shall interfere with the right of any other Public 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 Public Agency Employee who in good faith discloses potential violations of this Public Agency's Code of Ethics 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 this Public Agency.
- c) Any Public Agency Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of this Public Agency's Code of Ethics 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.

### **SECTION III: 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 Section 75-b or Labor Law Section 740, State Finance Law Section 191 (commonly known as the “False Claims Act”) and Executive Law Section 55(1).
- b) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law Section 75-b or Labor Law Section 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 authority or his or her designee the information to be disclosed and shall provide the appointing authority 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 Section 75-b(2)(b); Labor Law Section 740(3)).