

APPENDIX K

WHISTLEBLOWER POLICY

of the

COUNTIES OF WARREN AND WASHINGTON

INDUSTRIAL DEVELOPMENT AGENCY

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WHISTLEBLOWER POLICY

ARTICLE I. PURPOSE AND SCOPE.

It is the policy of the Counties of the Warren and Washington Industrial Development Agency (“Agency”) to encourage reporting by its officers, members and employees of improper action(s) taken by Agency officers, members or employees and to protect the Agency officers, members and/or employees who have reported information concerning acts of wrongdoing, misconduct, malfeasance or other inappropriate behavior by an officer, member or employee in accordance with the Agency’s policies and procedures set forth herein. This Whistleblower Policy (the “Policy”) is further enacted pursuant to the Public Authorities Accountability Act of 2005, specifically Section 2824 of the Public Authorities Law.

ARTICLE II. DEFINITIONS.

1. “Improper action” shall mean any action of an officer, member or employee of the Agency:

 (a.) that is undertaken in the performance of the officer’s, member’s or employee’s official duties, whether or not the action is within the scope of the officer’s, member’s or employee’s employment; and

 (b.) that (i) is in violation of any federal, state, or local law, rule or the Code of Ethics; (ii) is an abuse of authority; (iii) is of substantial and specific danger to the public health or safety; (iv) or is a gross waste of public and/or Agency funds.

 “Improper action” shall not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. “Retaliatory action” means any adverse change in the terms and conditions of an employee’s employment.

ARTICLE III. REPORTING RESPONSIBILITY.

It is the responsibility of all of the officers, members and employees to comply with this Policy and to report violations or suspected violations in accordance with this Policy, the Code of Ethics and any other federal, state or local law.

ARTICLE IV. NO RETALIATION.

No officer, member or employee who in good faith reports an improper action shall suffer harassment, retaliation or adverse employment consequence. An officer, member or employee who retaliates against someone who has reported an improper action in good faith is subject to discipline up to and including termination of employment or removal as officer and/or member. This Policy is intended to encourage and enable officers, members and employees to raise serious concerns within the Agency prior to seeking resolution outside the Agency.

ARTICLE V. PROCEDURES FOR REPORTING.

1. Agency officers, members and employees who suspect or become aware of improper action(s) should raise the issue first with the Chair. If requested by the Chair, the officer, member or employee shall submit a written report to the Chair and the Agency's counsel, stating in detail the basis for the officer's, member's or employee's belief that an improper action may have or has occurred. Where the officer, member or employee reasonably believes the improper action involves the Chair, the officer, member or employee may raise the issue directly with the Vice Chair.

2. With the assistance of Agency counsel, the Chair or the Vice Chair, as the case may be, shall take prompt action to properly investigate the improper action. The Agency officers, members and employees involved in the investigation shall keep the identity of reporting officer, member or employee confidential to the extent possible, under law, unless the officer, member or employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the officer, member or employee reporting the improper action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

3. Agency officers, members or employees who fail to make a good faith attempt to follow the Agency procedures set forth in this Policy will not be afforded the protection provided by the Agency in accordance with this Policy.

ARTICLE VI. PROTECTION AGAINST RETALIATORY ACTIONS.

1. Agency officers and members are prohibited from taking retaliatory action against an Agency employee because he has, in good faith, reported an improper action in accordance with this Policy.

2. Employees who feel that they have been retaliated against for reporting an improper action should advise the Chair, in writing, no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Chair, with the assistance of Agency counsel, shall take appropriate action to investigate and address complaints of retaliation within thirty (30) days of the written report being filed with the Chair.

3. If the Chair does not satisfactorily resolve an employee's complaint that he has been retaliated against in violation of this Policy, the employee may obtain protection under this Policy by providing a written notice to the Vice Chair and Agency's Counsel that (i) specifies the alleged retaliatory action and (ii) specifies the relief requested. The Vice Chair shall take appropriate action to investigate and address the complaint of retaliation within thirty (30) days of the written report being filed with the Vice Chair.

ARTICLE VII. RESPONSIBILITIES.

The Executive Committee is responsible for implementing the Agency's Policy for reporting improper actions and for protecting employees against retaliatory actions. This includes ensuring that this Policy is made available to any officer, member or employee upon request and is provided to all newly appointed, elected and/or hired employees. Violations of this Policy may result in appropriate disciplinary action, up to and including, dismissal or removal from position of officer or member and employee.

ARTICLE VIII. ACTING IN GOOD FAITH.

Any person filing a complaint concerning an improper action must be acting in good faith and have reasonable grounds for believing that the information disclosed is indicative of an improper action. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

ARTICLE IX. CONFIDENTIALITY.

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

This Policy was duly adopted by the Counties of Warren and Washington Industrial Development Agency on September 25, 2006.