

NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
WHISTLEBLOWER POLICY

This Policy is adopted pursuant to the provisions of the
Public Authorities Accountability Act of 2005 and
the Public Authorities Reform Act of 2009

1. Intent. The Nassau County Industrial Development Agency (the “Agency”) finds it desirable to establish procedures regarding the reporting of violations of the Agency’s Code of Ethics or other instances of wrongdoing within or related to the Agency and to afford certain protections to individuals who in good faith report such violations or wrongdoing.

2. Definitions.

“County” shall mean the County of Nassau.

“Employee” shall mean any person holding a position by appointment or employment in the service of the Agency whether or not compensated (including without limitation a member of the Agency), whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees, or a volunteer expressly authorized to participate in an Agency-sponsored volunteer program, but shall not include an independent contractor.

“Good Faith” shall mean that the individual reporting potential Wrongdoing reasonably believes the information to be true and reasonably believes that the action in question constitutes Wrongdoing.

“Personnel Action” shall mean any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

“Whistleblower” shall mean an Employee who in Good Faith reports information concerning Wrongdoing.

“Wrongdoing” shall mean any action, including corruption, fraud, criminal or unethical activity, misconduct, waste, conflict of interest, intentional

reporting of false or misleading information, or abuse of authority related to the Agency or committed by an Employee in the performance of such Employee's official duties, whether or not such action is within the scope of his or her employment, that (i) is in violation of any federal, state or local law, rule or regulation, or (ii) is in violation of the Agency's Code of Ethics or any other duly adopted policy of the Agency.

3. Reporting Allegations of Wrongdoing.

(a) An Employee who has information about an action which he or she reasonably believes to be true and reasonably believes constitutes Wrongdoing is responsible to promptly report such information either orally or in a written report to his or her supervisor, the Chairman of the Agency, the Agency's ethics officer, the general counsel to the Agency, the Agency's designated human resources representative, or a governmental body as defined in paragraph c of subdivision 1 of section seventy-five-b of the New York Civil Service Law, including, but not limited to, any of the following officials:

- (1) the District Attorney, if the allegation involves criminal acts;
- (2) the County Board of Ethics;
- (3) the County Executive or a Deputy County Executive;
- (4) a member of the County Legislature;
- (5) the County Attorney;
- (6) or any other official permitted by applicable law.

(b) Any Agency representative receiving a report of Wrongdoing shall: first, review such report; second, investigate and handle the report of Wrongdoing in a timely and reasonable manner; and, third if such review and investigation indicates apparent Wrongdoing, promptly take appropriate corrective measures and where appropriate, refer such information to the appropriate investigative authority, including but not limited to the Chairman and/or members of the Agency, the Authorities Budget Office or any other local, state or federal agency with jurisdiction over the matter.

(c) The identity of the Whistleblower and the substance of his or her report of Wrongdoing will be kept confidential to the best extent possible.

(d) Notwithstanding the provisions of this Policy, any Employee who wishes to preserve his or her right to pursue a claim pursuant to section seventy-five-b of the New York Civil Service Law shall, prior to disclosing information pursuant to subparagraph (a) of this subdivision, make 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. For purposes of this Policy, the term “appointing authority” shall mean the officer or body having the appointing authority over the Employee making such disclosure.

(e) If an Employee believes in Good Faith that reporting Wrongdoing within the Agency pursuant to subsection (a) above would likely subject such Employee to adverse Personnel Action or be wholly ineffective, the Employee may instead report the Wrongdoing 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.

(a) No Employee shall retaliate against any Whistleblower for the reporting of Wrongdoing, whether by threat, coercion, abuse of authority or adverse Employment Action, and no Employee shall interfere with the right of any other Employee by any improper means aimed at deterring the reporting of Wrongdoing. Any such retaliation or interference is strictly prohibited by the Agency.

(b) No Employee who in Good Faith discloses Wrongdoing shall suffer harassment, retaliation or adverse Personnel Action.

(c) All allegations of retaliation against a Whistleblower or interference with an Employee seeking to report Wrongdoing will be thoroughly investigated by the Agency.

(d) Any Employee who retaliates against a Whistleblower or attempts to interfere with an Employee seeking to report Wrongdoing shall be subject to discipline, which may include, but is not limited to, termination of employment.

(e) Any allegation of retaliation or interference will be taken and treated seriously by the Agency and, irrespective of the outcome of the initial report of Wrongdoing, will be treated as a separate matter.

5. Civil Action Authorized. Pursuant to the Civil Service Law, an Employee who has been the subject of retaliatory personnel action, including discharge, suspension, demotion or other adverse personnel action, following such Employee's report of Wrongdoing pursuant to this Policy, may, within one (1) year of such alleged retaliatory action, commence a civil action in a court of competent jurisdiction for the following relief: (a) reinstatement of such Employee to the same position he or she held before such adverse personnel action; (b) compensation for lost wages, benefits and other remuneration; and (c) payment by the employer of reasonable costs, disbursements, and attorney's fees.
6. Employer relief. A court, in its discretion, may also order that reasonable attorneys' fees and court costs and disbursements be awarded to an employer if the court determines that an action brought by an Employee under this Policy was without basis in law or in fact.
7. Notification to Employees. Information about this Policy and section seventy-five-b of the New York Civil Service Law shall be included in the informational package provided to Employees upon commencement of employment with the Agency.
8. Other rights not affected. Nothing in this Policy shall be deemed to limit, diminish or impair any rights or remedies of an Employee or employer under any law, rule, or regulation, including, without limitation, Civil Service Law §75-b, Labor Law §740, State Finance Law §191 and Executive Law §55(1).

This Policy was re-adopted by the members of the Agency on March 4, 2017. This Policy shall be reviewed annually.