

## **BROOME COUNTY LAND BANK CORPORATION WHISTLEBLOWER POLICY AND PROCEDURES**

### **Purpose**

It is the policy of the Broome County Land Bank Corporation (hereinafter the "BCLBC") to afford certain protections to individuals who in good faith report violations of the BCLBC's Code of Ethics or other instances of potential wrongdoing. This policy is adopted pursuant to New York Public Authorities Law section 2824(1)(e). The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to raise concerns in good faith within the BCLBC 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.

**"BCLBC Employee"**: All board members, and officers and staff employed at the BCLBC whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

**"Whistleblower"**: Any BCLBC Employee who in good faith discloses information concerning wrongdoing by another BCLBC Employee, or concerning the business of the BCLBC 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 BCLBC Employee that relates to the BCLBC.

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

### **Section I: Reporting Wrongdoing**

All Employees who discover or have knowledge of potential wrongdoing concerning board members, officers, or employees of the BCLBC; or a person having business dealings with this BCLBC; or concerning the BCLBC itself, shall 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 BCLBC's ethics officer, general counsel, human resources representative or to any Member of the Board.
- b) All BCLBC 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 a Public Authority Employee believe in good faith that disclosing information within the Public Authority pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Public Authority 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 Employee shall retaliate against any Whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority. 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 this Public Authority'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 the BCLBC.
- c) Any Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of the BCLBC's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- 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.

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 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 § 75-b[2][b]; Labor Law § 740[3]).

Approved by the Board of Directors and Adopted on this day 24<sup>th</sup> of June, 2014.