

**THE RECREATION AND ECONOMIC DEVELOPMENT CORPORATION  
OF SUFFOLK COUNTY**

**WHISTLEBLOWER POLICY AND PROCEDURES**

**Purpose**

It is the policy of The Recreation and Economic Development Corporation of Suffolk County ("Corporation") to afford certain protections to individuals who in good faith report violations of the Corporation's Code of Ethics or other instances of potential wrongdoing within the Corporation. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable Corporation Personnel (as defined herein), to raise concerns in good faith within the Corporation and without fear of retaliation or adverse employment action.

**Definitions**

"Board": The Board of Directors of the Corporation.

"Corporation Personnel": All directors, and officers of the Corporation and any staff employed at the Corporation whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

"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.

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

"Whistleblower": Any Corporation Personnel (as defined herein) who in good faith discloses information concerning wrongdoing by another Corporation Personnel, or concerning the business of the Corporation 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 Corporation Personnel (as defined herein) that relates to the Corporation.

**Section I: Reporting Wrongdoing**

All Corporation Personnel who discover or have knowledge of potential wrongdoing concerning directors, officers, or employees of the Corporation; or a person having business dealings with the Corporation; or concerning the Corporation itself, shall report such activity in accordance with the following procedures:

- a) The Corporation Personnel shall disclose any information concerning wrongdoing either orally or in a written report to the President of the Corporation, unless the information concerning wrongdoing involves the President, then to any other director of the Corporation. Alternately, to facilitate reporting of suspected violations where the reporter wishes to remain anonymous, a written statement may be submitted to the President of the Corporation unless the information concerning wrongdoing involves the President, then to any other director of the Corporation.
- b) All Corporation Personnel 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) Should a Corporation Personnel believe in Good Faith that disclosing information within the Corporation pursuant to Section 1(a) above would likely subject him or her to adverse personnel action, the Corporation Personnel may instead, only in this limited circumstance, 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), as may be revised from time to time, may be used in such circumstances.

## **Section II: Investigation**

- a) 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.
- b) Whistleblowing complaints will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law.
- c) When the individual investigating the matter becomes aware of suspected wrongdoing, he or she:
  - i) should not contact the person suspected of wrongdoing to further investigate the matter or demand restitution without first discussing with the members of the Board; and
  - ii) should not discuss the case with the media or anyone other than the members of the Board, the Corporation's legal counsel, or any independent party, if any, who is charged by the Corporation with investigating the suspected wrongdoing; and
  - iii) should not report the case to an authorized law enforcement officer without first discussing the case with the members of the Board.
- d) Appropriate corrective action will be taken if necessary and findings may be communicated back to the reporting person, if appropriate.

## **Section III: No Retaliation or Interference**

No Corporation Personnel shall retaliate against any Whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no Corporation Personnel shall interfere with the right of any other Corporation Personnel by any

improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

- a) No Corporation Personnel who in Good Faith discloses potential violations of the Corporation's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b) Whistleblowers who believe that they have been the victim of a retaliatory Personnel action may file a written complaint with the President of the Corporation, unless the information concerning wrongdoing involves the President, then to any other director of the Corporation. Any complaint of a retaliatory Personnel action will be promptly investigated and appropriate corrective measures taken if such allegations are substantiated.
- c) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Corporation.
- d) Any Corporation Personnel who retaliates against or has attempted to interfere with any individual for having in Good Faith disclosed potential violations of the Corporation's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- e) 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.
- f) Corporate Personnel who disclose or threaten to disclose violations of the Code of Ethics or any other wrongdoings are not covered under this policy unless he or she first brings the allegation of wrongdoing to the proper party, pursuant to this policy.

#### **Section IV: 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 Corporation Personnel 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 Corporation Personnel 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 Corporation Personnel 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]).