

**GLEN COVE LOCAL ECONOMIC ASSISTANCE CORP.**  
City Hall – 9 Glen St., Glen Cove, New York 11542

**Minutes of Meeting August 27, 2019**

Resolution #7b

**RESOLUTION OF THE GLEN COVE LOCAL ECONOMIC ASSISTANCE CORP.  
ADOPTING THE AMENDED/RESTATED “WHISTLEBLOWER” POLICY**

**BE IT RESOLVED**, that the Glen Cove Local Economic Assistance Corp. hereby adopts the amended-restated “Whistleblower” Policy consistent with Public Authorities Law 2986 and 2857 to include the provision related to “Actions by an Authority” (see attached).

The question of adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>VOTING</u>
Timothy Tenke	AYE
Vincent C. Hartley	AYE
James J. Cappiello	AYE
Joseph Gioino	Absent
John Tetta	AYE

The foregoing Resolution was thereupon declared duly adopted.

**ENTERED**  
8-27-19  
GC-LEAC

**GLEN COVE LOCAL ECONOMIC ASSISTANCE CORPORATION**  
**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 Glen Cove Local Economic Assistance Corporation (the “Corporation”) finds it desirable to establish procedures regarding the reporting of violations of the Corporation’s Code of Ethics or other instances of wrongdoing within or related to the Corporation and to afford certain protections to individuals who in good faith report such violations or wrongdoing.

2. Definitions.

“City” shall mean the City of Glen Cove, New York.

“Employee” shall mean any person holding a position by appointment or employment in the service of the Corporation whether or not compensated (including without limitation a member of the Corporation), whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees, or a volunteer expressly authorized to participate in a Corporation-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 Corporation 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 Corporation's Code of Ethics or any other duly adopted policy of the Corporation.

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 shall promptly report such information either orally or in a written report to his or her supervisor, the Chairman of the Corporation, the Corporation's ethics officer, the general counsel to the Corporation, the Corporation's designated human resources representative, or any of the following officials:

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

(b) Any Corporation representative receiving a report of Wrongdoing shall: first, review such report; and second, if such review 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 directors of the Corporation, the Authority 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 applicable 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 Corporation 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 New York State Authorities Budget Office (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 Corporation.

(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 Corporation.

(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 Corporation and, irrespective of the outcome of the initial report of Wrongdoing, will be treated as a separate matter.

5. Actions by an Authority:

No state or local authority shall fire, discharge, demote, suspend, threaten, harass or discriminate against an employee because of the employee's role as a Whistleblower, insofar as the actions taken by the employee are legal.

6. Civil Action Authorized. 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, if permitted by applicable law, 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.
7. 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.
8. Notification to Employees. Information about this Policy shall be included in the informational package provided to Employees upon commencement of employment with the Corporation.
9. 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.

This Policy was adopted by the board of directors of the Corporation on September 30, 2014.

Amended/restated 8-27-19