


Whistleblower

Note: Revision # should be listed in descending order starting with the most recent version at the top.

Revision Date (For BCG Use Only)	Revision #	Description/Modification	Revision Section (s)	Author
2/27/2018	0	Removed references to Thruway Authority and inserted correct titles and contact information	N/A	Lisa Wright Manager, Administrative Services



 <p style="text-align: center;">GENERAL POLICY</p> <p><i>Ric Coetz</i> 3-6-18 <small>Manager, Administrative Services DATE</small></p>	NUMBER: CGP-2018-011
	<p>SECTION TITLE:</p> <p style="text-align: center;">POLICY - PERSONNEL</p> <hr/> <p>SUBJECT:</p> <p style="text-align: center;">WHISTLEBLOWER</p>

This bulletin supersedes NYS Thruway/Canal Corporation General Policy 25-2-26

I. INTRODUCTION

It is the policy of the Canal Corporation (Corporation) to afford certain protections to individuals who in good faith report violations of the Corporation's CODE OF ETHICS (ASB -2018-015) or other instances of potential wrongdoing within the Corporation. This Policy is intended to encourage and enable Corporation employees to raise concerns of potential wrongdoing in good faith within the Corporation and without fear of retaliation.

This policy establishes the protection for whistleblowers and the procedures for reporting potential wrongdoing within the Corporation.

II. DEFINITIONS

For the purposes of this Policy, the following definitions shall apply:

- A. "Employee" – all Board Members, Officers and Staff employed at the Corporation whether full-time, part-time, employed pursuant to contract, employees on probation and/or temporary employees.
- B. "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.
- C. "Personnel action" – Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.
- D. "Whistleblower" – Any employee who in good faith discloses information concerning the business of the Corporation itself.



- E. "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 an employee that relates to the Corporation.

III. REPORTING WRONGDOING

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

- A. All employees who discover or have knowledge of wrongdoing shall promptly disclose information concerning such wrongdoing in a written or oral report to his or her immediate supervisor, Section Superintendent, Division Engineer, Director, Deputy Director, Office of Employee Relations, or as outlined below, the Office of Civil Rights and Inclusion or the Office of Ethics and Compliance.
- Office of Civil Rights and Inclusion at accessibility@nypa.gov for wrongdoing involving discrimination based on protected class status.
 - Office of Ethics and Compliance at ethics@nypa.gov for wrongdoing involving ethics, waste, fraud or abuse.

Written disclosures are preferred where appropriate.

- B. The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- C. The individual(s) to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include, but not be limited to, referring such information to the appropriate Corporation office, New York State Office of the Inspector General, Joint Commission on Public Ethics, or other appropriate law enforcement agency.
- D. Should an employee believe in good faith that disclosing information within the Corporation pursuant to Section III. A. would likely subject him or her to adverse personnel action or be wholly ineffective, the employee may instead disclose the information to the New York State Office of the Inspector General, New York State Division of Human Rights, U.S. Equal Employment Opportunity Commission, Joint Commission on Public Ethics, or an appropriate law enforcement agency, if applicable.

IV. NO RETALIATION OR INTERFERENCE



No employee shall retaliate against any whistleblower for the good faith disclosure of potential wrongdoing, whether through adverse personnel action, harassment, threats, coercion, or abuse of authority; and, 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. All allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Corporation. Any employee who retaliates against or has attempted to interfere with any individual for having in good faith disclosed potential wrongdoing may be subject to discipline or other administrative action, which may include termination of employment. Any allegation of retaliation or interference will be treated as a separate matter and treated seriously irrespective of the outcome of the initial complaint.

V. OTHER LEGAL RIGHTS NOT IMPAIRED

Nothing in this Policy shall be deemed to diminish or impair the rights of an employee or the Corporation under any law, rule, regulation or collectively negotiated agreement or to prohibit any personnel action which otherwise would have been taken regardless of any disclosure of information.

Specifically, this Policy is not intended to limit any rights or remedies than an individual may have under the laws of the United States and 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).

With respect to any rights or remedies that an individual may have pursuant to Civil Rights 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]).