



<b>Title:</b>	<b>Anti-Retaliation Policy</b>
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## Anti-Retaliation Policy

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

Revision Date (For IBC Use Only)	Revision #	Description/Modification	Revision Section (s)	Author
4/25/2024	5	Added Canal Corporation as covered entity.  Clarified that instances of retaliation based on protected class status are to be reported to the Office of Civil Rights and Inclusion for investigation.  Rescinds Canal Corporation Whistleblower Policy (CGP-2018-011)	1	Joseph W. Gryzlo, VP & Chief Ethics & Compliance Officer
9/25/2021	4	Periodic (Every Other Year) Review – No Changes	N/A	Joseph W. Gryzlo, VP & Chief Ethics & Compliance Officer
7/15/2019	3	Update to e-Scribe template  Changed to “He/she” Corrected department title  Updated reference to PARA	5.2.2 5.4.1 5.5.3 7	Joseph W. Gryzlo, VP & Chief Ethics & Compliance Officer

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## 1 PURPOSE AND SCOPE

This Policy prohibits discrimination, harassment and/or retaliation of any kind against anyone who reports a complaint in good faith, based upon a reasonable belief, and/or provides information concerning the following:

- An actual, potential or suspected act of fraud, misconduct, wrongdoing or other inappropriate behavior by a New York Power Authority (NYPA) or New York State Canal Corporation (Corporation) employee or business partner
- Any alleged conduct that violates or demonstrates non-compliance with the NYPA Code of Conduct, NYPA/Corporation policies and procedures and/or any applicable laws and regulations affecting the organizations (Whistleblowing Events)

This Policy is an integral component of NYPA's Ethics and Compliance Program. It represents the NYPA/Corporation approach to Whistleblowing Events and further establishes an Employee Concerns Hotline (see section 5.3). Implementing procedures or guidelines shall be prepared as necessary to provide appropriate guidance in meeting the management controls.

## 2 APPLICABILITY

This Policy applies to all NYPA and Corporation employees and their board members.

This Policy does *not* apply to retaliation complaints based upon an individual's or group's protected class status. Claims of discrimination, harassment and/or retaliation based upon protected class status are to be reported to the Office of Civil Rights and Inclusion.

## 3 INITIALISMS (ACRONYMS) AND DEFINITIONS

**Whistleblowing Events** – Information provided in a complaint or in any form relating to fraud, misconduct, wrongdoing, non-compliance with NYPA's Code of Conduct, Corporation Code of Ethics, NYPA/Corporation policies and procedures or applicable laws and regulations.

## 4 RESPONSIBILITY

Responsibility for and oversight of this Policy resides with the approver unless herein noted.

## 5 POLICY IMPLEMENTATION

### 5.1 Reasons for Establishing an Anti-retaliation Policy

NYPA/Corporation has established an anti-retaliation policy to:

- Encourage employees to report Whistleblowing Events in an expeditious manner, while ensuring that they are protected as provided for in this Policy.
- Encourage employees to provide information, cause information to be provided, or otherwise assist or participate in investigations or proceedings related to Whistleblowing Events.

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- Protect employees from discrimination, harassment, or retaliation for disclosing information or otherwise assisting or participating in investigations concerning Whistleblowing Events engaged in by NYPA/Corporation employees or NYPA/Corporation business partners.

## **5.2 Responsibilities**

- 5.2.1** The Vice President and Chief Ethics & Compliance Officer in conjunction with the Executive Vice President and General Counsel, or designee, is responsible for implementing this Policy.
- 5.2.2** The Vice President and Chief Ethics & Compliance Officer will review each Whistleblowing Event as it is received whether through the Employee Concerns Hotline or any other reporting source. They will discuss the nature of the complaint, any allegations, and/or other information provided, with the Executive Vice President and General Counsel and Assistant General Counsel of Labor and Employment and determine the manner in which the Whistleblowing Event will be addressed, including whether a formal investigation will be conducted.

## **5.3 Employee Concerns Hotline (1-877-TEL- NYPA or 1-877-835-6972)**

This Policy establishes and encourages the use of a centralized, outsourced, toll-free hotline for reporting Whistleblowing Events. Employees may choose to remain anonymous. This centralized Employee Concerns Hotline is accessible 24 hours a day, seven days a week.

Reports of Whistleblowing Events may be made to the following:

- The Office of Ethics and Compliance
- A member of NYPA/Corporation supervisory staff
- Any other person employed by NYPA/Corporation who has the authority to discover, investigate or substantiate fraudulent activity, misconduct and wrongdoing and
- A federal or state regulatory agency, law enforcement or other governmental agency

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## **5.4 Investigation Implementation**

- 5.4.1** Any employee who wishes to report a Whistleblowing Event may do so through a number of mechanisms, including direct discussion with a member of NYPA/Corporation supervisory staff, the Office of Ethics and Compliance, the Office of Civil Rights and Inclusion, Human Resources Employee Relations or Facility Human Resources staff either in person or via telephone, e-mail, or use of the outsourced Employee Concerns Hotline.
- 5.4.2** Every Whistleblowing Event will be reviewed, and a determination will be made as to whether it can be substantiated, either in whole or part. The review includes an assessment of specific information including, but not limited to, dates, times, locations, participants, and any other relevant data needed to conduct a thorough evaluation or investigation. A reported Whistleblowing Event that is vague and/or conclusory in nature without sufficient details will be reviewed, but may not be formally investigated, if it is determined by the Law Department and Office of Ethics and Compliance that there is insufficient information with which to conduct a meaningful investigation.
- 5.4.3** Upon the conclusion of a substantiated Whistleblowing Event review and/or investigation, the Vice President and Chief Ethics & Compliance Officer, the Executive Vice President and General Counsel, or designee, and Assistant General Counsel of Labor and Employment will advise the appropriate members of the Executive Management Committee or the Board of Trustees to determine the extent to which the alleged violation(s) has/have been substantiated and what, if any, corrective and/or disciplinary action was or will be administered to address the matter. The Governance Committee of the Board of Trustees will be notified as necessary in accordance with its responsibilities to oversee NYPA's Ethics and Compliance Program. In addition, a decision will be made regarding any feedback that may be provided to the source of the Whistleblowing Event or to the reporter of alleged retaliation for a Whistleblowing Event, and any other affected employees or business partners. Investigation files will be maintained following NYPA's records retention procedures.

## **5.5 No Retaliation for Good Faith Reports**

- 5.5.1** Employees reporting a Whistleblowing Event in good faith, based upon a reasonable belief, are protected from discrimination, harassment, or retaliation of any kind for making the report.
- 5.5.2** No employee may demote, discharge, harass, suspend, threaten, or in any other manner discriminate or retaliate against an employee based upon that person's good faith and reasonable belief in taking any of the following actions:
- Reporting a Whistleblowing Event or filing a claim with respect to an actual, potential or suspected Whistleblowing Event to any person with supervisory authority over the employee (or such other employee who has the authority to discover, investigate or determine misconduct or workplace violations) or a

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federal or state regulatory agency, law enforcement or other governmental agency.

- Providing information, causing information to be provided, or otherwise assisting or participating in an investigation or proceeding related to a Whistleblowing Event.

**5.5.3** Any employee, who believes that they are the subject of retaliation or who observes retaliation against another for their actual or perceived participation in a Whistleblowing Event, shall immediately report such retaliation to the Office of Ethics and Compliance. For such reports of alleged retaliation related to a Whistleblowing Event, the Office of Ethics and Compliance implements an investigation as set forth above in Subsection 5.4.

## **5.6 Remedies for Employees Making False Allegations**

**5.6.1** Employees shall not knowingly report false allegations against other employees or Whistleblowing Events, whether through the Employee Concerns Hotline or by any other means.

**5.6.2** Any employee who knowingly reports a false allegation or Whistleblowing Event or who retaliates against another employee or anyone reporting and/or cooperating in the review/investigation of a Whistleblowing Event, is subject to disciplinary action up to and including termination of employment.

## **6 VIOLATIONS**

Violations of this Policy and related policies and procedures by employees may result in disciplinary action up to and including termination. Violations of this Policy by contractors and other authorized third parties may result in the revocation of such party's access to NYPA's premises and/or electronic access to its systems, and the termination of such party's contract for services. In addition, where the conduct engaged in is illegal, violators may be subject to prosecution under applicable federal, state or local laws.

## **7 REFERENCES**

### **7.1 NYPA Code of Conduct**

PowerNet > Departments > Office of Ethics and Compliance > Code of Conduct

### **7.2 New York State Canal Corporation Code of Ethics – Available on Corporation SharePoint**

## **8 POLICY REVIEW AND EXPIRATION**

This document will be reviewed and updated as business needs require. However, a mandatory review will be required on the anniversary date of the approved document. Rescinding of documents is referenced in BS-IBC-01-005.

**Revision cycle: Every Other Year**

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**9 ATTACHMENTS**

N/A

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**e-Signature Approval History**

<b>Role</b>	<b>Name</b>	<b>Title</b>	<b>Date</b>	<b>Result</b>
President	Driscoll, Justin	President & CEO	04/25/2024	Approve
General Counsel	Alesio, Lori	EVP & General Counsel	04/24/2024	Approve
Operation Office	Kessler, Joseph	EVP & Chief Operating Officer	03/15/2024	Approve
Interim VP Human Resources	Saslow, Karina	SVP Human Resources	03/15/2024	Approve
Executive Owner	Alesio, Lori	EVP & General Counsel	03/14/2024	Approve
Content Owner	Gryzlo, Joseph	VP & Chief Ethics & Compliance Officer	02/29/2024	Approve