

RESOLUTION – WHISTLEBLOWER POLICY

At a meeting of the Rensselaer County Water and Sewer Authority, held at 1600 Seventh Avenue, Troy, New York, on the 20th day of August, 2019, at 10:00 a.m. local time, the following Members of the Authority were:

	PRESENT:	ABSENT:
Robert Pasinella, Jr.	<u>X (via phone)</u>	_____
Kenneth M. Harting	<u>X (via phone)</u>	_____
John Mooney	<u>X</u>	_____
John Fetscher	_____	<u>X</u>

ALSO PRESENT:

Robert Hotz, Chief Financial Officer
Jay H. Sherman, Secretary
Philip H. Dixon, Authority Counsel

After the meeting had been duly called to order, the following resolution was offered by Mr. Mooney and seconded by Mr. Pasinella, to wit:

WHEREAS, the Rensselaer County Water and Sewer Authority (the “Authority”) has determined that it is appropriate to establish Whistleblower Policy and Procedures in accordance with guidance issued by the New York State Authorities Budget Office.

NOW, THEREFORE, it is hereby

RESOLVED, that the Authority hereby adopts, effective immediately, the Whistleblower Policy and Procedures, in the form annexed hereto; and it is further

RESOLVED, that John Fetscher is hereby designated the Authority’s Ethics Officer pursuant to such Policy and Procedures; and it is further

RESOLVED, that the Whistleblower Policy and Procedures be posted on the Authority’s website.

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

Robert Pasinella, Jr.	voting <u>Yes</u>
Kenneth M. Harting	voting <u>Yes</u>
John Mooney	voting <u>Yes</u>
John Fetscher	voting <u>Absent</u>

The foregoing Resolution was thereupon declared duly adopted.

WHISTLEBLOWER POLICY AND PROCEDURES

Purpose

It is the policy of the Rensselaer County Water and Sewer Authority (the “Authority”) to afford certain protections to individuals who in good faith report violations of the Authority’s Code of Ethics or other instances of potential wrongdoing within the Authority. These Whistleblower Policy and Procedures are intended to encourage and enable employees to raise concerns in good faith within the Authority 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.

“Authority Employee”: All board members, officers and staff employed at the Authority, whether full-time, part-time, employed pursuant to contract, employees on probation or temporary employees.

“Whistleblower”: Any Authority employee who in good faith discloses information concerning wrongdoing by another Authority Employee, or concerning the business of the Authority 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 an Authority Employee (as defined herein) that relates to the Authority.

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

Section I: Reporting Wrongdoing

Any Authority Employee who discovers or has knowledge of potential wrongdoing concerning board members, officers, or employees of the Authority; or a person having business dealings with the Authority, or concerning the Authority itself, shall report such activity in accordance with the following procedures:

- a) The Authority Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the Authority’s Ethics Officer or counsel.
- b) Any Public Authority Employee who discovers or has 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 New York State Authorities Budget Office or an appropriate law enforcement agency, where applicable.

- e) Should an Authority Employee believe in good faith that disclosing information within the Authority pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Authority Employee may instead disclose the information to the Authorities Budget Office (1-800-560-1770) or an appropriate law enforcement agency, if applicable.

Section II: No Retaliation or Interference

No Authority Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and no Authority Employee shall interfere by any improper means with the right of any other Authority Employee to disclose potential wrongdoing. Any attempts at retaliation or interferences are strictly prohibited and:

- a) No Authority Employee who in good faith discloses potential violations of the Authority's Code of Ethics or other instances of potential wrongdoing shall suffer harassment, retaliation or adverse personnel action.
- b) Any allegation of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the Authority.
- c) Any Authority Employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of the Authority's Code of Ethics or other instances of potential wrongdoing shall be subject to discipline, which may include termination of employment.
- d) Any allegation of retaliation or interference will be taken and treated seriously, irrespective of the outcome of the initial complaint, and 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. 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, 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).