

Whistleblowers Policy

Title 12 of Article 9 of Public Authorities Law requires the Authorities Budget Office, in consultation with the Office of the Attorney General, to develop a whistleblower access and assistance program. The purpose of this program is to provide board members, officers, and staff of state and local public authorities with a confidential means to report credible allegations of misconduct, wrongdoing, or unethical behavior and to protect those individuals, when acting in good faith, from personal or professional retaliation.

It is the policy of the Bethel Local Development Corporation (BLDC) to afford certain protections to individuals who in good faith report violations of the BLDC's Code of Ethics or other instances of potential wrongdoing within the BLDC. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to raise concerns in good faith within the BLDC and without fear of retaliation or adverse employment action.

Every member of the board (the "Board") of the BLDC Corporation (the "Corporation") and all officer and employees thereof, in the performance of their duties shall conduct themselves with honesty and integrity and observe the highest standards of business and personal ethics as set forth in the Code of Ethics of the Corporation (the "Code"). Each member, officer or employee is responsible to report any violation of the Code (whether suspected or known) to the Corporation's Chief Executive Officer. In the event the suspected or known violation involves the Corporation's Chief Executive Officer, the report of such violation shall be made to the Corporation's Chairman. Reports of violations will be kept confidential to the extent possible. No individual, regardless of their position with the Corporation, will be subject to any retaliation for making a good faith claim, and any employee who chooses to retaliate against someone who has reported a violation shall be subject to disciplinary action, which may include termination of employment. Regardless, any claim of retaliation will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate offense. The Chief Executive Officer or the Chair, as the case may be, is responsible for immediately forwarding any claim to the Corporation's counsel who shall investigate the claim in a timely manner and report the results and a recommendation for handling to the Chair.

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.

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

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

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

Section I: Reporting Wrongdoing

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

- a) The BLDC Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her supervisor, or to the BLDC’s ethics officer, or general counsel.
- b) All BLDC Employees 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) 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.
- e) Should a BLDC Employee believe in good faith that disclosing information within the BLDC pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the BLDC Employee may instead 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) should be used in such circumstances.

Section II: No Retaliation or Interference

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

- a) No BLDC Employee who in good faith discloses potential violations of the BLDC's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by the BLDC.
- c) Any BLDC Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of the BLDC's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- d) 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.

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.

a) 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).

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 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])

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