

**A RESOLUTION ADOPTING THE LAND BANK’S WHISTLEBLOWER AND
NON-RETALIATION POLICY**

WHEREAS, on November 21st, 2016 the Board of Directors of the Nassau County Land Bank Corporation duly convened a meeting and a quorum existed, and;

WHEREAS, the Board of Directors was requested to adopt an official policy regarding Whistleblowing and Non-Retaliation, and;

WHEREAS, the Board of Directors members then present voted affirmatively and unanimously in favor of said Whistleblowing and Non-Retaliation Policy; now, therefore, be it

RESOLVED, that effective immediately the Nassau County Land Bank Corporation has adopted the Whistleblowing and Non-Retaliation Policy attached hereto:



NASSAU COUNTY

LAND BANK CORPORATION

WHISTLEBLOWER AND NON-RETALIATION POLICY

PURPOSE

It is the policy of the Nassau County Land Bank Corporation (“Land Bank”) to afford certain protections to individuals who in good faith report violations of the Land Bank’s Code of Ethics or other instances of potential wrongdoing. The Whistleblower and Non-Retaliation Policy set forth below is intended to encourage and enable employees to raise concerns in good faith without fear of retaliation or adverse 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.

“**Land Bank Employee**”: All board members, and officers and staff employed at this Land Bank whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

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

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

Section I: Reporting Wrongdoing

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

- a) The Land Bank Employee shall disclose any information concerning wrongdoing either orally or in a written report to the Chair of the Board, or to the Land Bank's Executive Director, or to Land Bank Counsel or such other duly appointed Ethics Officer.
- b) All Land Bank 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 New York Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e) Should a Land Bank Employee believe in good faith that disclosing information within the Land Bank pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Land Bank 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 Land Bank Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no Land Bank Employee shall interfere with the right of any other Land Bank Employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

- a) No Land Bank Employee who in good faith discloses potential violations of this Land Bank'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 this Land Bank.
- c) Any Land Bank Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of this Land Bank'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 and Non-Retaliation Policy set forth herein is 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, the Whistleblower and Non-Retaliation Policy is 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]).