



**THE NASSAU COUNTY LEGISLATURE
OFFICE OF LEGISLATIVE BUDGET REVIEW
MAURICE CHALMERS, DIRECTOR
FISCAL IMPACT STATEMENT**

TITLE: A Local Law to amend the Nassau County Administrative Code, in relation to providing additional whistleblower protection to County employees by removing certain notification requirements.

SUMMARY OF LEGISLATION:

The proposed Local Law seeks to amend the Nassau County Administrative Code (“Code”) to bring the County whistleblower law (Section 22-4.4 of the Code) into conformity with the NYS Civil Service Law. To ensure that any improper government action be prevented, and, if not prevented, uncovered and halted as quickly as possible, Nassau County passed a whistleblower protection law.

Section 22-4.4(3)(d) of the Code currently purports to require a Nassau County employee to first report improper action to his or her supervisor or department head and allow a reasonable time for the agency to take corrective action unless there is an imminent and serious danger to public health and safety. This prior notification requirement conformed to NYS Civil Service Law provisions at the time of its enactment.

However, New York State later enacted the Public Employee Whistleblower Protection Act repealing the analogous section of the Civil Service Law that required a public employee to first report alleged improper action to a supervisor. Hence, the prior notification provision of Nassau’s current whistleblower law no longer conforms with the provisions of New York State’s law and can no longer be enforced by Nassau County. The proposed Local Law eliminates Nassau’s prior notification requirement.

Additionally, the proposed Local Law seeks to amend paragraphs a and b of Section 22-4.4(3) to include the Inspector General in the list of government officials to whom allegations of improper government actions may be reported. If the proposed Local Law is passed, a County employee may now report improper governmental action to the Inspector General as well as other previously listed individuals and entities.

After the County government official reviews such information regarding improper government action, he or she should determine if such review indicates an apparent improper governmental action, take appropriate corrective measures and where appropriate, refer such information to the appropriate investigative authority. The investigative authorities include, but are not limited to, the Commissioner of Investigations, County Compliance Officer, District Attorney, Comptroller, Inspector General or any state or federal agency with jurisdiction over the matter. All reasonable

efforts shall be made to protect the anonymity and confidentiality of the employee making the allegations.

EFFECTIVE DATE:

This Local Law shall take effect immediately after enactment by the Legislature.

FISCAL IMPACT:

The proposed law is not expected to have any fiscal impact.

ECONOMIC IMPACT:

The proposed law is not expected to have any significant economic impact on the local economy.

PREPARED BY: Lamartine Pierre Jr., Legislative Budget Analyst

SOURCES:

Department of County Attorney