

2/15

Submitted by the County Executive and Introduced by Presiding  
Officer Richard Nicoletto, Minority Leader Kevan Abraham, Dep. Presiding Officer  
Howard Kopel, Alt. Dep. Presiding Officer Denise Ford, Legislators Siela Bynoe, Carrie Solages,  
Debra Mule, C. William Gaylor, Vincent Muscarella, Ellen Birnbaum, Delia DeRiggi Whitton,  
James Kennedy, Thomas Mc Kevitt, Laura Schaefer, John Ferretti Jr, Arnold Drucker, Rose Marie  
Walker, Joshua Lafazan, Steven Rhoads

LOCAL LAW NO. 2 - 2019

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.

Passed by the Nassau County Legislature on February 25, 2019  
Voting : Ayes: 18; Nays: 0, Abstained: 0  
Became a Law on February 26, 2019 with the approval of the Deputy County  
Executive acting on behalf of the County Executive

APPROVED AS TO FORM



Deputy County Attorney

WHEREAS, the Nassau County Legislature finds that it is vitally important that any  
improper government action be prevented, and, if not prevented, uncovered and halted as quickly  
as possible; and

WHEREAS, the Nassau County Legislature finds that a policy of encouraging the  
employees of Nassau County to report such improper government action is an effective way to  
prevent such action or to uncover and halt it quickly if it should occur; and

WHEREAS, the Nassau County Legislature finds that ensuring that the employees of Nassau County feel secure in their ability to report any such improper behavior is essential to having employees report such acts; and

WHEREAS, the employees of Nassau County are currently protected by New York State Laws ensuring protection of employees who report improper action, specifically Civil Service Law §75-b; and

WHEREAS, the employees of Nassau County are also currently protected by §22-4.4 of the Nassau County Administrative Code which established procedures in conformity with Civil Service Law §75-b to protect employees regarding the reporting of allegations of improper government action; and

WHEREAS, paragraph d of subdivision 3 of §22-4.4 of the Nassau County Administrative Code currently requires that any employee who wishes to preserve his or her right to pursue a claim under Civil Service Law §75-b must first report the alleged 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; and

WHEREAS, New York State enacted the Public Employee Whistleblower Protection Act repealing the section of Civil Service Law §75-b that required a public employee to first report alleged 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 in order to preserve his or her right to pursue a claim under Civil Service Law §75-b; and

WHEREAS, the prior notification requirements currently in paragraph d of subdivision 3 of §22-4.4 of the Nassau County Administrative Code no longer conform with the provisions of Civil Service Law §75-b and can no longer be enforced by Nassau County; and

WHEREAS, paragraph 11 of §187 of Article I-C of the County Government Law of Nassau County specifies that the Inspector General be considered a County government official for purposes of whistleblower protection; now therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Subdivision 3 of section 22-4.4 of the Nassau County Administrative Code, as enacted by Local Law No. 6-2005, is amended as follows:

3. Reporting allegations of improper government actions.

(a) An employee who has information about a government action which he or she reasonably believes to be true and reasonably believes constitutes an improper governmental action may disclose such information to a supervisor, a governmental body as defined in paragraph c of subdivision 1 of section seventy-five-b of the New York Civil Service Law, or a county government official, including, but not limited to, any of the following officials:

- the Commissioner of Investigations;
- the District Attorney, if the allegation involves criminal acts;
- the County Compliance Officer;
- the County Board of Ethics;
- the Director of Human Resources;
- the County Executive or a Deputy County Executive;
- a member of the County Legislature;
- the Presiding Officer or the Minority Leader of the County Legislature;
- the County Attorney;
- the Inspector General;
- the County Comptroller, if the allegation involves misuse of public funds; or the head of the employee's department.

(b) Any county government official receiving such information concerning improper governmental action shall: first, review such information; and second, if such review indicates an apparent improper governmental action, take appropriate corrective measures and where appropriate, refer such information the appropriate investigative authority, including but not limited to the Commissioner of Investigations, the County Compliance Officer, District Attorney, the Comptroller, the Inspector General or any state or federal agency with jurisdiction over the matter.

(c) All reasonable efforts shall be made to protect the anonymity and confidentiality of the employee making the allegations.

§2 Severability. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4 This local law shall take effect immediately.

**APPROVED**  
*Helena Will*  
**County Executive**  
**DATE** 2/26/19