

## **Albany Community Development Agency Whistleblower Policy and Procedures**

**Purpose.** It is the policy of the Albany Community Development Agency (“ACDA”) to afford certain protections to individuals who in good faith report violations of ACDA’s Code of Ethics or other instances of potential wrongdoing. The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to raise concerns in good faith within ACDA and 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.

“ACDA Employee”: All ACDA board members, and officers and staff employed by ACDA, including full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

“Whistleblower”: Any ACDA Employee who in good faith discloses information concerning wrongdoing by another ACDA employee, or concerning the business of ACDA.

“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 ACDA Employee (as defined herein) that relates to ACDA.

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

### **Section 1: Reporting Wrongdoing.**

All ACDA Employees who discover or have knowledge of potential Wrongdoing concerning board members, officers, or employees of ACDA; or a person having business dealings with ACDA; or concerning the ACDA itself, shall report such activity:

- a) The ACDA Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her Commissioner, Director, or Supervisor.
- b) All ACDA 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) ACDA will investigate and address the alleged Wrongdoing in a timely and reasonable manner, which may include referring such information to the Human Resources Department or an appropriate law enforcement agency where applicable.

e) Should an ACDA Employee believe in good faith that disclosing information regarding Wrongdoing would likely subject him or her to Adverse Personnel Action or be wholly ineffective, the ACDA Employee may instead disclose the information directly to the City of Albany Human Resources Department or Corporation Counsel's office or an appropriate law enforcement agency, if applicable.

**Section 2: No Retaliation or Interference.**

ACDA Employees shall not retaliate against any Whistleblower for the disclosure of potential Wrongdoing, whether through threat, coercion, or abuse of authority; and ACDA Employees shall not interfere with the right of any other ACDA Employee by any means aimed at deterring disclosure of potential Wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

- a) No ACDA Employee who in good faith discloses potential violations of ACDA'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 ACDA.
- c) Any ACDA Employee who retaliates against a Whistleblower or who interferes with any individual seeking in good faith to disclose potential violations of ACDA'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, irrespective of the outcome of and separate from the initial complaint.

**Section 3: 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, and State Finance Law § 191 (commonly known as the "False Claims Act").
- 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 outside of ACDA, have made a good faith effort to provide the Commissioner and ACDA Director the information to be disclosed and have provided the Commissioner and ACDA Director a reasonable time to take appropriate action, unless there is imminent and serious danger to public health and safety.