

WHISTLEBLOWER POLICY

Objective:	This policy implements New York State Labor Law §740 and Civil Service Law §75-b	Policy/Procedure Number:	01-45
Reference: (All Applicable Federal, State and Local Laws)	Labor Law §740; Civil Service Law §75-b; Federal False Claims Act, 31 U.S.C. § 3729 <i>et seq.</i> ; County Compliance Plan	Effective Date:	08/02/2011
Legislative Policy Statement:		Responsible Department:	County Administration
General Information:	This policy is intended to support the reporting of illegal activities and to protect officers and employees from retaliation who, in good faith, have reported a concern about improper governmental action.	Modified Date (s):	
		Resolution No.:	Res2011-119
		Next Scheduled Review:	2016

If the activities are not illegal but are violations of the Code of Ethics, the County officer or employee should report the violation to the Ethics Advisory Board.

- I. Definitions:**
- Good-Faith Report**—A report of activity that the employee has reasonable grounds to believe to be true and that the employee reasonably believes constitutes improper governmental action, even if the belief should later prove to be unsubstantiated.
- Improper Governmental Action**—Action taken, or threatened to be taken, directly or indirectly, by the County or any County officer or employee in the performance of the officer's or employee's official duties, whether or not such action is within the scope of his or her employment, that is in violation of any federal, state, or local law, rule, or regulation.
- Relative**—A parent, step-parent, spouse, spouse equivalent, domestic partner, sibling, step-sibling, sibling's spouse, child, step-child, grandparent, parent of spouse or spouse equivalent or domestic partner; including in-laws and members of the household of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.
- Retaliation**—Disciplinary or other adverse personnel action relating to the terms and conditions of employment taken against the employee, or relative of the employee, because the employee has made a good-faith report.
- II. Policy:**
- A. Awareness of Improper Governmental Action.** Any officer or employee of the County who becomes aware of improper governmental action by an officer or employee of the County has a duty to report such conduct in the manner provided in Section III.
- B. No Retaliation.** No officer or employee of the County shall take retaliatory action against an employee because the employee makes a good-faith report of any information regarding fraud, waste, abuse, misconduct, or any alleged prohibited or illegal activity in violation of any law, rule, or regulation governing officers and employees of the County of Tompkins. Such retaliatory actions include, but are not limited to, discharge, discipline, personal attacks, harassment, intimidation, or change in job, salary, or responsibilities.
- C. Confidentiality.** Reports of concerns will be kept confidential to the extent possible, consistent with the need to conduct a complete and fair investigation.

III. Procedure: *Reporting Concerns.*

1. An Employee should make the good-faith report to his or her Department Head. If the employee is not comfortable addressing the concern to the Department Head, the employee should make his/her report to the County Administrator. The County Administrator will refer reports and inquiries regarding non-compliance or illegal use of state and federal resources to the County Compliance Officer. Reports and inquiries regarding violations of the County's Code of Ethics will be referred to the Ethics Advisory Board. Other reports and inquiries will be handled directly by the County Administrator. If the report concerns the County Administrator, the employee should report directly to the Chair of the Legislature who will be responsible for investigating the report or designating another person to conduct the investigation.
2. When in receipt of a good-faith report, the Department Head must notify the County Administrator, or the person designated by the County Administration to handle reports and inquiries regarding non-compliance and illegal use of county resources, and who shall be responsible for investigating all such reports. The County Administrator may designate the Ethics Advisory Board where appropriate to conduct or participate in any investigation.