

 NEW YORK STATE OF OPPORTUNITY. Thruway Authority	GENERAL POLICY	SECTION TITLE	NUMBER 25-2-26
		POLICIES -- PERSONNEL	
APPROVED BOARD MEETING NUMBER: 736 RESOLUTION NUMBER: 6193 DATE: November 26, 2018	SUBJECT WHISTLEBLOWER POLICY		

I. INTRODUCTION

It is the policy of the New York State Thruway Authority (Authority) to afford certain protections to individuals who in good faith report violations of the Authority’s CODE OF ETHICS (25-2-07) or other instances of Wrongdoing within the Authority. This Policy is intended to encourage and enable Authority employees to raise concerns of potential Wrongdoing in good faith within the Authority and without fear of retaliation. Employees covered by this Policy include all Board Members, and officers and staff employed at the Authority whether full-time, part-time, temporary, on probation and/or employed pursuant to contract.

This Policy establishes the protection for Whistleblowers and the procedures for reporting potential Wrongdoing within the Authority.

II. DEFINITIONS

For purposes of this Policy, the following definitions shall apply:

- A. “Personnel Action” - Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.
- B. “Whistleblower” - Any employee who in good faith discloses information concerning Wrongdoing by an Authority employee, consultant or contractor.
- C. “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 that relates to the Authority.

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III. REPORTING WRONGDOING

All employees who discover or have knowledge of potential Wrongdoing concerning employees of the Authority; a person having business dealings with the Authority; or the Authority itself, shall report such activity in accordance with the following procedures.

- A. All employees who discover or have knowledge of potential Wrongdoing shall promptly disclose information concerning such Wrongdoing in a written or oral report to his or her immediate supervisor, intermediate supervisor, Administrative Officer, Department Head, Bureau of Labor Relations and Employee Safety, the Chief of Staff, the General Counsel, the Executive Director, the Chair, or, as outlined below, the Office of Equal Employment Opportunity and Diversity Development or the Department of Audit and Management Services:
- Office of Equal Employment Opportunity and Diversity Development for Wrongdoing involving discrimination based on protected class status.
 - Department of Audit and Management Services for Wrongdoing involving waste, fraud or abuse.

Written disclosures are preferred where appropriate.

- B. The individual(s) to whom the potential Wrongdoing is reported shall (1) review the information in a timely and reasonable manner; and (2) if such review indicates the reasonable possibility that there has been an occurrence of Wrongdoing, take appropriate corrective action and where appropriate, refer such information to the appropriate Authority office, New York State Office of the Inspector General, Joint Commission on Public Ethics, Authorities Budget Office or an appropriate law enforcement agency. All employees are responsible for cooperating in the investigation of potential Wrongdoing by providing any information they possess concerning the matters being investigated and being candid about such matters.
- C. The identity of the Whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible. Should an employee believe in good faith that disclosing information within the Authority pursuant to Section III. A. would likely subject him or her to adverse Personnel Action or be wholly ineffective, the employee may instead disclose the information to the New York State Office of the Inspector General, New York State Division of Human Rights, U.S. Equal Employment Opportunity Commission, Joint Commission on Public Ethics, Authorities Budget Office or an appropriate law enforcement agency, if applicable.

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IV. NO RETALIATION OR INTERFERENCE

No employee shall retaliate against any Whistleblower for the good faith disclosure of potential Wrongdoing, whether through adverse Personnel Action, harassment, threats, coercion, or abuse of authority; and, no employee shall interfere with the right of any other employee by any improper means aimed at deterring disclosure of potential Wrongdoing. Any attempts at retaliation or interference are strictly prohibited. Any Whistleblower who believes that he or she has been retaliated against for reporting or disclosing potential Wrongdoing should file a written complaint in accordance with Section III. above.

All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential Wrongdoing will be thoroughly investigated by the Authority. Any employee who retaliates against or has attempted to interfere with any individual for having in good faith disclosed potential Wrongdoing may be subject to discipline or other administrative action, which may include termination of employment. Any allegation of retaliation or interference will be treated as a separate matter and treated seriously irrespective of the outcome of the initial complaint.

V. OTHER LEGAL RIGHTS NOT IMPAIRED

Nothing in this Policy shall be deemed to diminish or impair the rights of an employee or the Authority under any law, rule, regulation or collectively negotiated agreement or to prohibit any Personnel Action which otherwise would have been taken regardless of any disclosure of information.

Specifically, this Policy is not intended to limit any rights or remedies that an individual may have under the laws of the United States and 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).

VI. ADMINISTRATION OF POLICY

The Executive Director shall be responsible for interpreting, implementing, and administering this Policy. Such responsibility may include developing any operational and/or administrative policies and procedures necessary to carry out the intent of the Policy.