

Whistleblower Policy

- a. **Purpose.** It is the policy of the New York State Bridge Authority to afford certain protections to individuals who, in good faith, report violations of the Authority's Code of Ethics or other instances of potential wrongdoing within the Authority. The Whistleblower Policy set forth below is intended to encourage and enable employees to raise concerns in good faith within the Authority, and without fear of retaliation or adverse employment action.
- b. **Definitions.**
- i. **Authority:** The New York State Bridge Authority.
 - ii. **Good Faith:** When the individual making the disclosure reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.
 - iii. **New York State Bridge Authority Employee:** All Board members, officers and staff employed at the New York State Bridge Authority, whether full-time, part-time, employed pursuant to contract, employees on probation or temporary employees.
 - iv. **Personnel Action:** Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.
 - v. **Whistleblower:** Any New York State Bridge Authority employee (as defined herein) who, in good faith, discloses information concerning potential wrongdoing by another Authority employee, or concerning the business of the Authority itself.
 - vi. **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 a New York State Bridge Authority employee (as defined herein) that relates to the Authority.
- c. **Reporting Wrongdoing.** All New York State Bridge Authority employees who discover or have knowledge of potential wrongdoing concerning Board members, officers, or employees of this Authority, or a person having business dealings with this Authority, or concerning the Authority itself, shall report such activity in accordance with the following procedures:
- i. The New York State Bridge Authority employee shall disclose any information concerning wrongdoing, either orally or in a written report, to his/her supervisor, or to the Authority's Internal Control Officer.
 - ii. All New York State Bridge Authority employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
 - iii. The identity of the whistleblower and the substance of his/her allegations will be kept confidential to the extent possible.

- iv. The individual to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to the Inspector General's office or an appropriate law enforcement agency where applicable.
 - v. Should a New York State Bridge Authority employee believe, in good faith, that disclosing information within the Authority pursuant to Section 1(a) above would likely subject him/her to adverse personnel action or be wholly ineffective, the Authority Employee may instead disclose the information to the Inspector General's office or an appropriate law enforcement agency, if applicable.
- d. **No Retaliation or Interference.** No New York State Bridge Authority employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and no New York State Bridge Authority employee shall interfere with any other Authority employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited; also:
- i. No New York State Bridge Authority employee who, in good faith, discloses potential violations of this Authority's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
 - ii. All allegations of retaliation against a whistleblower, or interference with an individual seeking to disclose potential wrongdoing, will be thoroughly investigated by the Authority.
 - iii. Any New York State Bridge Authority employee who retaliates against, or attempts to interfere with, any individual for having in good faith disclosed potential violations of the Authority's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
 - iv. Any allegation of retaliation or interference will be taken seriously and, irrespective of the outcome of the initial complaint, will be treated as a separate matter.
- e. **Other Legal Rights Not Impaired.** The Whistleblower Policy set forth herein is 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.
- i. Specifically, this Whistleblower Policy is 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, State Finance Law § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).

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 to a government body, have made a good faith effort to provide the appointing authority or his/her designee the information to be disclosed, and shall provide the appointing authority or designee a reasonable time to take appropriate action, unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3]).