

**Dutchess County Resource Recovery Agency
Whistleblower Policy**

Adopted 12/10/2009

General

The Dutchess County Resource Recovery Agency ("RRA", the "Agency") requires its board members, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

Reporting Responsibility

RRA employees, board members, officers, and Agency representatives are encouraged to report suspected acts of Fraudulent or Dishonest Conduct by an employee, board member, officer or representative/agent of the Agency, (i.e., to act as a "Whistleblower"), to the Agency's Executive Director or any member of the Agency's governing board, pursuant to the procedures set below.

The Executive Director is required to report suspected Fraudulent or Dishonest Conduct to the Chairman of the Agency's governing board or another Agency board member. The Executive Director may also report suspected Fraudulent or Dishonest Conduct to: (i) any and all RRA board members; (ii) any Public Body. Suspected Fraudulent or Dishonest Conduct involving the Agency's finances shall be concurrently reported to the Chairman of the Audit Committee of the RRA's governing board.

If the instance of suspected Fraudulent or Dishonest Conduct is brought to the attention of a member of the RRA's governing board, said board member shall be required to report the matter in the same manner as the Executive Director.

Reasonable care and discretion shall be taken when dealing with suspected Fraudulent or Dishonest Conduct to avoid:

- Baseless Allegations.
- Premature Notice to persons suspected of Fraudulent or Dishonest Conduct and/or disclosure of such conduct to others not involved with the investigation.
- Violation of a person's rights under the law.

As soon as the Executive Director (or board member, if applicable) becomes aware of the suspected Fraudulent or Dishonest Conduct, he/she shall:

- Report said conduct in the manner prescribed above.
- Without the consent of the Agency Board, not discuss the matter with anyone other than the members of the RRA's governing board and counsel; excepting law enforcement personnel having jurisdiction and performing an official investigation and other Public Bodies as may be required until the completion of any inquiry.

Any findings or any actions taken as a result of a report by a Whistleblower will be communicated back to the entire governing board of the Agency.

Definitions

Baseless Allegations: Allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to disciplinary action by the Agency, and/or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct: The act of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by an employee, board member or agent of the RRA, including a deliberate failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of official documents.
- Unauthorized alteration or manipulation of computer files of the Agency or any other Public Body.
- Fraudulent financial reporting.
- Pursuit of a benefit or advantage in violation of the Agency's or County's Ethics Policies.
- Misappropriation or misuse of the Agency's resources, including, but not limited to, its funds, supplies, or other assets.
- Authorizing or receiving compensation for goods or services not performed.
- Authorizing or receiving compensation for hours not worked.
- Violating any official policy of the Agency.
- Violating any public law, rule or regulation while in the course of performing one's official duties as an employee, officer or representative/agent of the RRA.

Law, Rule or Regulation: Any duly enacted statute, ordinance, rule or regulation promulgated pursuant to any federal, state or local statute or ordinance.

Public Body: A Public Body shall include the following:

- The United States Congress, and the New York State Legislature, or any popularly-elected local governmental body, or any member or employee thereof;
- Any federal, state or local judiciary, or any member or employee thereof, or any grand or petit jury;
- Any federal, state, local law enforcement agency, prosecutorial office, or police or peace office.

Retaliatory Personnel Action: The discharge, suspension or demotion of an Agency employee, or other adverse employment action taken against the employee in the terms and conditions of employment, including but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary, fees, employment benefits, harassment or discrimination.

Whistleblower: An employee or officer of the RRA who informs the Agency's Executive Director, a member of the Agency's governing board, or Public Body pursuant to the provisions of this policy about activities that may relate to the Agency's investments, travel, procurement or disposition of real or personal property, procurement of goods and services, and/or other business of the Agency which that person reasonably believes the facts complained of to be true and that they constituted Fraudulent or Dishonest Conduct.

Whistleblower Protection

The RRA shall protect whistleblowers pursuant to the following guidelines and applicable sections of the NYS Public Authorities Accountability Act .

- The Agency shall use its best efforts to protect Whistleblowers against all Retaliatory Personnel Actions. To the extent allowed by the circumstances and the law, the identity of a Whistleblower shall be shared only with those who have a need to know in order for the RRA to perform an effective investigation; determine the appropriate and necessary action to take as a result of said investigation; and to inform law enforcement and other Public Bodies as may be required.
- Employees, board members, consultants, contractors and agents of the Agency shall not engage in any Retaliatory Personnel Action against a Whistleblower for: (i) providing information; disclosing or threatening to disclose to the Executive Director, a RRA board member, or a Public Body, as may be applicable, any activity which that person reasonably believes to be Fraudulent or Dishonest Conduct; or (ii) objecting to or refusing to participate in any Fraudulent or Dishonest Conduct. Whistleblowers who believe that they have been the victim of a Retaliatory Personnel Action may file a written complaint with the Executive Director and/or chairman of the Agency's governing board. The entire governing board shall be made immediately aware of any complaint of a Retaliatory Personnel Action. Such complaints shall be promptly investigated and appropriate action taken, if such allegations have been substantiated.
- Individuals acting as Whistleblowers shall not be covered under this policy of the Agency if he or she has not also reported the allegations of suspected Fraudulent or Dishonest Conduct to the Executive Director or a board member of the RRA.
- Protection afforded under this policy of the Agency from a Retaliatory Personnel Action is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.
- A person who intends to act as a Whistleblower shall exercise a high level of care so as not to make a Baseless Allegation.
- This policy shall not diminish any rights or responsibilities afforded a person under the law or by an individual labor contract or collective bargaining unit agreement in force at the time the suspected Fraudulent or Dishonest Conduct has first been reported.

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