

Resolution adopting a Whistleblower Access and Assistance Program

BE IT RESOLVED, by the Rochester Urban Renewal Agency as follows:

Section 1. The Rochester Urban Renewal Agency hereby adopts the following Whistleblower Access and Assistance Program:

A. Purpose. It is the policy of the Rochester Urban Renewal Agency (“Agency”) to afford certain protections to individuals who in good faith report violations of the Agency’s Code of Ethics/Conflict of Interest Policy or other instances of potential wrongdoing within the Agency. The rules and procedures of this Whistleblower Access and Assistance Program (“Program”) set forth below are intended to encourage and enable employees to raise concerns in good faith within the Public Agency and without fear of retaliation or adverse employment action.

B. Definitions. When used in this Program, the following words and phrases shall have the following meanings:

(1) **OFFICER or EMPLOYEE** — Any person elected, appointed or hired to serve the Agency in any capacity, whether paid or unpaid, for a term fixed or not fixed, on a part-time or seasonal basis, or serving the Agency *ex officio* as an elected or appointed official or employee of the City of Rochester. Officer includes the Agency Secretary (“Secretary”), any member of the Agency board (“Board”), and any other designated officer or employee.

(2) **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.

(3) **WHISTLEBLOWER** — Any officer or employee (as defined herein) who in good faith discloses information concerning wrongdoing by another officer or employee, or concerning the business of the Agency itself.

(4) **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 officer or employee (as defined herein) that relates to the Agency.

(5) **PERSONNEL ACTION** — Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

(6) **ETHICS OFFICER** — The Corporation Counsel of the City of Rochester unless and until the Governance Committee of the Board elects to appoint another person to the position or to designate said Committee itself for the position.

C. Reporting Wrongdoing. All officers and employees who discover or have knowledge of potential wrongdoing concerning officers or employees of this Agency; or a person having business dealings with this Agency; or concerning the Agency itself, shall report such activity in accordance with the following procedures:

(1) The officer or employee shall disclose any information concerning wrongdoing either orally or in a written report to their supervisor, unless the officer or employee is not

comfortable addressing the concern with the supervisor or the officer or employee is not satisfied with the supervisor's response, in which case the officer or employee shall make the report to the Secretary. The Secretary shall notify the City of Rochester Office of Public Integrity (OPI). If the report concerns the Secretary or the officer or employee is not comfortable taking the issue to the Secretary, the officer or employee has the discretion to report directly to the OPI.

(2) All officers or employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.

(3) The identity of the whistleblower and the substance of their allegations will be kept confidential to the best extent possible.

(4) 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 OPI, the City of Rochester Corporation Counsel, the NYS Authorities Budget Office's toll free number (1-800-560-1770) or an appropriate law enforcement agency where applicable.

(5) Should an officer or employee believe in good faith that disclosing information within the Agency, to OPI or to the City of Rochester Corporation Counsel as set forth above would likely subject them to adverse personnel action or be wholly ineffective, the officer or employee may instead disclose the information directly to the NYS Authorities Budget Office's toll free number (1-800-560-1770) or an appropriate law enforcement agency, if applicable.

(6) Inquiries and disclosures regarding a particular officer's or employee's potential conflict of interest that are made *prior* to the officer's or employee's opportunity to participate in the matter that would give rise to the ethical conflict shall be reported and disclosed in the manner set forth in this Agency's Code of Ethics/Conflict of Interest Policy rather than as an instance of wrongdoing under this Program.

D. No Retaliation or Interference. No officer or employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no officer or employee shall interfere with the right of any other officer or employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

(1) No officer or employee who in good faith discloses potential violations of this Agency's Code of Ethics/Conflict of Interest Policy or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.

(2) All allegations of retaliation against a whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by this Agency, or the Ethics Officer or OPI on its behalf.

(3) Any officer or employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of this Agency's Code of Ethics/Conflict of Interest Policy or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.

(4) Any allegation of retaliation or interference will be taken and treated 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 and procedures provided by this Program 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, including without limitation the right of a union member to notify and consult with their union representative and rights set forth in the following State Laws: Civil Service Law § 75-b, Labor Law § 740, State Finance Law § 191 (commonly known as the “False Claims Act”), and Executive Law § 55(1).

F. Notice of Whistleblower Rights. A copy of this Program shall be provided to each current officer and employee upon its enactment and to each subsequent officer and employee upon the commencement of their employment, appointment or term of office.

Section 2. This resolution shall take effect immediately.