

# **CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY PERSONNEL POLICY AND WHISTLEBLOWER POLICY**

## **I. PERSONNEL**

The Cortland County Industrial Development Agency (the “Agency”) has no paid employees. Employees of the Cortland County Business Development Corporation, a separate but affiliated economic development entity, provide administrative services to the Agency.

The Agency may retain the services of independent contractors in accordance with the Agency’s Procurement of Goods and Services Policy and the law including, but not limited to, attorneys, engineers, accountants, book keepers or other professional consultants or service providers.

## **II. POLITICAL ACTIVITY**

The following policy is designed to help better interpret and avoid issues of potential conflict regarding representation of opinion that may be construed as representing official viewpoints of the Agency and political activity on the part of the members and employees of the Agency. These restrictions are imposed because of the nature of the Agency and the special responsibilities owed to constituencies as the Agency has a responsibility to citizens and taxpayers to conduct itself in a politically neutral environment that engenders public trust and confidence.

No member or employee may represent the opinion of the Agency or offer public comment on an issue that may be construed to represent the opinion of the Agency without the prior knowledge and consent of the Agency. Members and employees may make comments that represent personal opinions on public issues, but they must be qualified as personal comments and not representative of the viewpoint of the Agency.

The New York State Industrial Development Agency Act prohibits the use of Agency funds for advertising or promotional materials, which depict elected or appointed government officials in either print or electronic media. Since the Agency seeks to remain politically neutral, it is also the policy of the Agency that they not in any way are associated with the production or publication of any advertising or promotional materials, which might be construed as an endorsement of any candidate for public office. Federal regulations prohibit the use of independent political expenditures by government agencies for the purposes of advocating the election or defeat of particular candidates. While this law applies only to campaigns for federal elective office, the Agency shall not permit the expenditure of funds on behalf of any candidates. Since members and employees of the Agency may be engaged as private individuals in political activity, they must be extremely cautious to keep those activities separate from the affairs of the Agency to avoid misrepresentation or public confusion between private behavior and public actions on the part of the Agency. Members and employees are advised to express such personal opinions with prudence as they may likely be afforded special significance in terms of public influence. When speaking in public, members and employees should strive to separate a

discussion of issues from an assertion favoring or opposing candidates for office. Members and employees are not authorized to employ the name or image of the Agency for campaign purposes.

### **III. WHISTLEBLOWER PROTECTION**

All members and employees of the Agency shall observe high standards of business and personal ethics in the conduct of their duties and responsibilities. It is the responsibility of all members and employees to comply with the Code of Ethics of the Agency and Article 18 of the New York General Municipal Law and to report violations or suspected violations in accordance with this Whistleblower Policy.

The goal of this policy is to set guidelines for reporting as well as protecting members and employees from retaliation for disclosing information concerning acts of wrongdoing, misconduct, malfeasance or other inappropriate behavior by a member or employee. It is the policy of the Agency to encourage the reporting by its members and employees of such improper conduct and to protect members and employees who have reported such improper conduct in accordance with this policy.

### **DEFINITIONS**

As used in this policy, the following terms shall have the meaning indicated:

"Abuse of authority" means intentional misuse of power or position by a member or employee for an improper purpose.

"Emergency" means a circumstance that if not immediately changed may cause harm or injury to persons or property.

"Good faith" means action taken after a reasonable investigation of facts available to the member or employee and after due consideration and with an honestly held belief that there was improper conduct.

"Gross waste" means intentional misuse of Agency funds and does not include unintentional errors.

"Improper Action" means any action by a member or employee that is undertaken in the performance of official duties, whether or not the action is within the scope of employment; and that:

- A. Is in violation of any federal, state or local law or rule or any Agency policy; or
- B. Is an abuse of authority with substantial adverse impact to the Agency; or
- C. Is a substantial and specific danger to the public health or safety; or
- D. Is a gross waste of Agency funds

Improper Action does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of applicable collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any other personnel action taken under authority of federal or state law.

"Retaliatory action" means any adverse change in a member's or employee's status or in the terms and conditions of such position held based on the reporting by the individual of an Improper Action.

"Rule" means any order, directive, or regulation, the violation of which subjects a person to a penalty or administrative sanction.

## **PROCEDURES**

Members or employees who obtain knowledge of facts demonstrating Improper Action should raise the issue first with the Executive Director or the Chairman of the Agency, as appropriate. If requested, the person shall submit a written report stating in detail the basis for the belief that an Improper Action has occurred. Personnel who fail to make a good-faith attempt to follow this policy in reporting Improper Actions shall not receive the protections provided under this policy. Personnel who make false reports shall be subject to disciplinary procedures.

The Executive Director, the Chairman of the Agency or the Agency's designee, as the case may be, shall take prompt action to assist in properly investigating the report of Improper Action. All persons involved in the investigation shall keep the identity of the reporting person confidential to the extent possible under the law, unless the person authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the person reporting the Improper Action shall be advised of the results of the investigation, except for personnel actions taken as a result of the investigation, which may be kept confidential.

Members and employees are prohibited from taking retaliatory actions against any person because he or she has in good faith reported an Improper Action in accordance with this policy. Any member or employee who chooses to retaliate against someone who has reported Improper Action shall be subject to disciplinary action which may include termination of employment.