

## **NYSERDA WHISTLEBLOWER POLICY AND PROCEDURES**

### **June 2024**

The Whistleblower Policy and Procedures set forth below are intended to encourage and enable employees to, in good faith, report instances of potential Wrongdoing within NYSERDA without fear of retaliation or adverse employment action.

Instances of harassment by NYSERDA Employees should follow the Anti-Harassment policy and reporting procedures set forth in the NYSERDA Personnel Handbook and various Agreements.

<b>TERM</b>	<b>DEFINITION</b>
<b>Good Faith</b>	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 the information constitutes potential wrongdoing.
<b>IG Reporting</b>	Any alleged Wrongdoing involving corruption, fraud, criminal activity, conflicts of interest or abuse shall be reported directly to the Inspection General (IG), pursuant to the procedures set forth herein.
<b>Investigation Findings Report</b>	Report overseen by the General Counsel after the completion of an allegation investigation that includes the findings of the investigation and recommendations for corrective action.
<b>NYSERDA Employee</b>	As defined here, all NYSERDA Board Members and staff whether full-time, part-time, employed pursuant to contract, employees on probation, and temporary employees.
<b>Personnel action</b>	Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement, or evaluation of performance.
<b>Whistleblower</b>	Any NYSERDA Employee who in good faith discloses information concerning Wrongdoing by another NYSERDA Employee, or Wrongdoing concerning the business of NYSERDA itself.
<b>Wrongdoing</b>	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 NYSERDA Employee that relates to NYSERDA or any persons having business dealings with NYSERDA.

### **REPORTING PROCEDURES**

- a) All NYSERDA Employees who discover or have knowledge of potential Wrongdoing shall report such allegation in a prompt and timely manner either orally or in writing to:
- Their supervisor;
  - Director of Internal Audit;
  - An Officer as defined in Section III of the By-laws;
  - Member of Counsel’s Office;
  - Member of Human Resources or
  - NYSERDA Fraud and Abuse hotline:1-866-219-1122

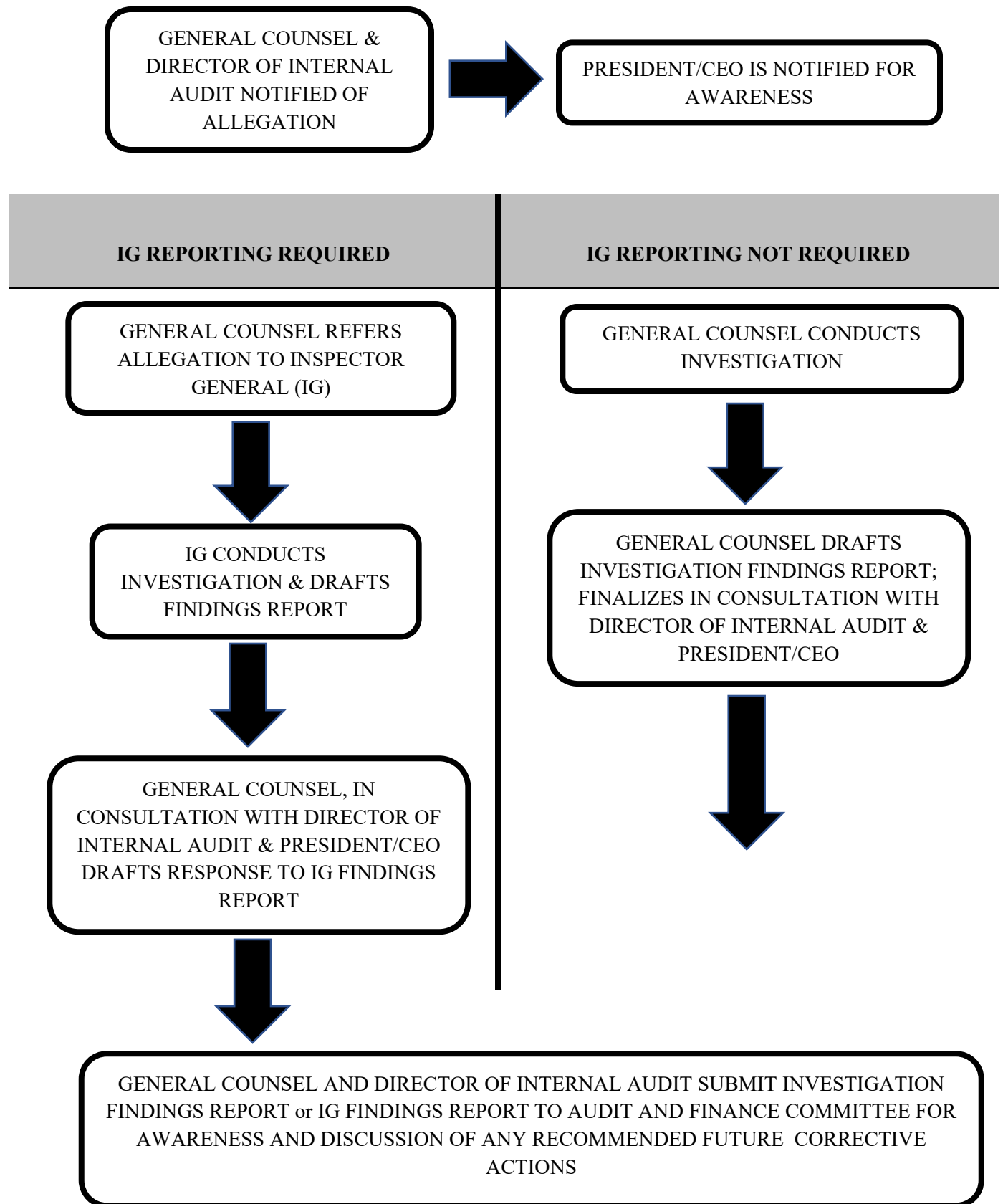
**The above-referenced NYSERDA employees shall notify the General Counsel and Director Internal Audit of all reported Wrongdoing allegations.**

- b) Should a NYSERDA Employee believe in good faith that disclosing information about potential Wrongdoing within NYSERDA would likely subject them to adverse personnel action or be wholly ineffective, the NYSERDA Employee may instead disclose the information to the:

- Authorities Budget Office: 1-800-560-1770
- Inspector General: 1-800-367-4448
- Appropriate law enforcement agency

## **INVESTIGATION PROCESS**

All NYSERDA Employees shall cooperate fully with investigations. The identity of the Whistleblower, and the substance of their allegations will be kept confidential to the maximum extent possible. The General Counsel shall review the Wrongdoing allegation to determine whether it falls into the IG Reporting requirements.



## **NO RETALIATION OR INTERFERENCE**

- a) No NYSERDA Employee shall retaliate against any Whistleblower for the disclosure of potential Wrongdoing, whether through threat, coercion, or abuse of authority; and no NYSERDA Employee shall interfere with the right of any other NYSERDA Employee by any improper means aimed at deterring disclosure of potential Wrongdoing. Any attempts at retaliation or interference are strictly prohibited.
- b) No NYSERDA Employee who in good faith discloses potential violations of NYSERDA's Conflict of Interest policies or other instances of potential Wrongdoing, shall suffer harassment, retaliation, or adverse personnel action as a result of such disclosure.
- c) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential Wrongdoing shall be thoroughly investigated by or through NYSERDA.
- d) Any NYSERDA Employee who retaliates against or attempts to interfere with any individual for disclosing or attempting to disclose potential violations of the NYSERDA's Conflict of Interest policies or other instances of potential Wrongdoing is subject to discipline, which may include termination of employment.
- e) Any allegation of retaliation or interference will be taken and treated seriously, and irrespective of the outcome of the initial complaint such allegation will be treated as a separate matter.

## **OTHER LEGAL RIGHTS NOT IMPAIRED**

- a) The Whistleblower Policy and Procedures set forth herein 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.
- b) Specifically, the Whistleblower Policy and Procedures are 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 Article 13 (commonly known as the "False Claims Act"), and Executive Law § 55(1).
- c) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any NYSERDA 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 their designee the information to be disclosed and shall provide the appointing authority or designee a reasonable time to take appropriate action. A good faith effort by a NYSERDA Employee is not required where (a) there is imminent and serious danger to public health or safety; (b) the employee reasonably believes that reporting would result in a destruction of evidence or other concealment of the activity, policy or practice; (c) such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor; (d) the employee reasonably believes that reporting would result in physical harm to the employee or any other person; or (e) the employee reasonably believes that the appointing authority or designee is already aware of the activity, policy or practice and will not correct such activity, policy or practice (see Labor Law § 740[3]).