

WHISTLE BLOWER POLICY

Statement of Policy:

The Sullivan County Legislature (hereinafter "Legislature") believes that County employees and persons doing business with the County of Sullivan may be in a position to know whether there are instances of unlawful or fraudulent conduct occurring within County government.

A Whistleblower as defined by this policy is an employee, volunteer, contractor or vendor of the County of Sullivan, who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

The Legislature believes that some County employees and persons doing business with the County may be reluctant to report instances of unlawful or fraudulent conduct due to a fear of retaliation.

All County employees and persons doing business with the County should be advised that the County is committed to pursuing and investigating allegations of unlawful or fraudulent conduct occurring within County government.

The Legislature believes that all County employees and persons doing business with the County should be advised that there are a number of federal and state statutes which protect the rights of so-called whistleblowers and that the County, in accordance with those statutes and with its own policy, does not permit retaliation against persons who in good faith, report unlawful or fraudulent conduct within County government to appropriate officials.

SCOPE:

This policy applies to all County employees, contractors, medical staff, volunteers and vendors.

PROCEDURE:

I. WRITTEN POLICIES, PROCEDURES AND STANDARDS OF CONDUCT:

The County Manager is hereby directed to advise all existing County employees, all new County employees and all persons contracting to do business with the County, by such means as the County Manager shall deem appropriate and effective, of the following:

- A. The Legislature encourages all County employees and persons doing business with the County to report, to appropriate officials, any unlawful or fraudulent conduct occurring within County government.

II. EFFECTIVE LINES OF COMMUNICATION:

Any County employee or person doing business with the County who, in good faith, believes that particular conduct is unlawful or fraudulent is encouraged to report such fact, to the Confidential Compliance Hotline or, in writing, to the Commissioner of Human Resources or the Corporate Compliance Officer.

Any such written report should include a brief statement outlining their concerns and any additional information that will enable the officer to contact the source for additional information.

The County will thoroughly and thoughtfully investigate in a timely and appropriate manner whistleblower matters issues that are brought to their attention, with a commitment to contact so-called whistleblowers within two business days of the initial report.

III. REPORTING PROCEDURES:

Reports of suspected unlawful or fraudulent behavior can be reported by using either of the following methods:

- A. Calling the toll-free Confidential Compliance Hotline at 1-833-955-1559, which is available 24/7/365.
- B. Written report to the Corporate Compliance Officer or the Commissioner of Human Resources.

The County will not employ methods to identify anonymous reporters and will protect the identity of the reporter to the extent allowed by law.

Written reports should include information to enable the appropriate County official to contact the source of the report for additional information and provide a brief statement outlining their concerns, which may be of assistance in investigating any incident reported.

IV. BI-ANNUAL REPORT:

January 1, and July 1 of each year, the Corporate Compliance Officer shall advise the County Legislature, without disclosing the identity of reporting individuals, of the number and nature of all reports made pursuant to this Resolution and what has been done with respect to each such report.

V. NO RETALIATION:

The County Manager and the Commissioner of Human Resources shall take reasonable steps see to it that there shall be no retaliation against any County employee or person doing business with the County on account of any good faith written report, filed in accordance with the procedure set forth above, disclosing unlawful or fraudulent conduct occurring within County government. Federal and state laws protect persons from retaliation when in, good faith, they report unlawful or fraudulent to appropriate officials, against retaliation. The County is committed to anti-retaliation and recognizes the various applicable state and federal laws.

WHISTLEBLOWER PROTECTION

1) Federal False Claims Act (31U.S.C. §3730(h))

The Federal False Claims Act provides protection to qui tam relators (individuals who commence a False Claims action) who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the FCA. 31 U.S.C. 3730 (h).

Remedies include reinstatement with comparable seniority as the qui tam relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

2) New York State False Claim Act (State Finance Law §191)

The New York State False Claim Act also provides protection to qui tam relators (individuals who commence a False Claims action) who are discharged demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the Act. Remedies include reinstatement with comparable seniority as the qui tam relator would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

3) New York State Labor Law, Section 740

An employer may not take any retaliatory action against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that the employer is in violation of a law that creates a substantial and specific danger to the public health and safety or which constitutes health care frauds under Penal Law § 177 (knowingly filing with intent to defraud, a claim for payment that intentionally has false information or omissions). The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorney's fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

4) New York State Labor Law, Section 741

A health care employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care. The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorney's fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.