

Whistleblowers

Sayville Library's Code of Ethics (herein referred to as The Code) requires administrators and staff to observe high standards of business and personal ethics in the conduct of their duties. As representatives of the Library, staff must practice honesty and integrity in fulfilling their responsibilities and must comply with all applicable laws and regulations. The Library's internal controls and operating procedures are intended to detect and to prevent or deter improper activities. Even the best systems of control, however, cannot provide absolute safeguards against irregularities. Intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute improper activities.

It is the policy of Sayville Library to (1) provide a procedure for employees to report improper governmental action by Library officers or employees, and (2) protect employees who have reported improper governmental actions in accordance with Library policies and procedures.

Definitions

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

1. "Improper governmental action" means any action by a Library officer or employee.
 - a. That is undertaken in the performance of the officer's or employee's official duties as a Library employee, whether or not the action is within the scope of the employee's employment; **and**
 - b. That (i) is in violation of any federal, state or local law or written departmental policy, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" **does not include** personnel actions, such as employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of a Library employee's employment.

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

Procedures for Reporting

Library employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee should raise the issue directly with the Library Director. The employee may directly report the concern in writing to the Board of Trustees if the employee believes the improper action involves the Library Director.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the Board of Trustees.

Supervisors shall take prompt action to assist the Library in properly investigating the report of improper governmental action. Library officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation shall be kept confidential.

Thereafter, Library employees may report information about the improper governmental action directly to the appropriate government agency which has responsibility for investigating the improper action if the Library employee has a reasonable belief that one of the following two conditions exists:

1. An adequate investigation was not undertaken by the Library to determine whether an improper governmental action occurred, or
2. Insufficient action has been taken by the Library to address the improper governmental action.

Handling of Reported Violations

The Director will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

No Retaliation

The Library adheres to the NYS Civil Service Law 75-b and the NYS Labor Law 740 which outline employee rights regarding retaliation in the workplace. No employee who in good faith reports a violation shall suffer harassment, retaliation or adverse employment

consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. A volunteer may be removed from an appointed or elected position.

Acting in Good Faith

Staff filing a complaint concerning a violation or suspected violation of the Code, policies or law must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegation that proves not to be substantiated and which proves to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from a volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

Library employees who fail to make a good-faith attempt to follow Library procedures in reporting improper governmental action shall not receive the protection provided by the Library in these procedures.

Adopted: January 12, 2015