

WHISTLEBLOWER PROTECTION POLICY AND PROCEDURES

It is the policy of the Battery Park City Authority (together with the Battery Park City Parks Conservancy, the “Organization”) to afford certain protections to Organization Employees who in good faith report violations of the Organization’s Code of Ethics or other instances of potential Wrongdoing, as defined in section I below, within the Organization. The Whistleblower Protection Policy and Procedures (the “Policy”) set forth below are intended to encourage and enable such employees to raise concerns in Good Faith within the Organization and without fear of Retaliation. All capitalized terms used in this introductory paragraph have the definitions given below.

I. DEFINITIONS

“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 concerns potential Wrongdoing.

“Organization Employee”: Any board member, officer, or staff member employed at the Organization whether full-time, part-time, employed pursuant to contract, on probation, or temporarily or seasonally employed.

“Retaliation”: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance or the terms or conditions of employment.

“Whistleblower”: Any Organization Employee who in Good Faith discloses information concerning Wrongdoing by another Organization Employee, or concerning the business of the Organization itself.

“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 Organization Employee that relates to the Organization.

II. REPORTING AND INVESTIGATION OF WRONGDOING

- i. An Organization Employee who discovers or has knowledge of potential Wrongdoing is encouraged to promptly disclose such information either orally or in writing to one of the following designated individuals: his or her supervisor, the Organization’s Ethics Officer, the General Counsel, or the Vice President of Human Resources. Should any such individual receive a report of potential Wrongdoing, he or she shall promptly notify the General Counsel, provided however that if the General Counsel is the subject of the alleged Wrongdoing, such notification shall be made to the Ethics Officer.
- ii. The identity of such Organization Employee and the substance of his or her allegations will be kept confidential to the extent possible.

- iii. Unless otherwise directed by the Ethics Officer in accordance with Section II(i) above or based on a finding of special circumstances, all investigations conducted in accordance with this Policy shall be conducted under the direction and supervision of the General Counsel. The General Counsel may utilize any of the following to assist with investigations, as needed: the Ethics Officer, representatives of the Legal Department, Human Resources Department, internal or external auditors and/or outside counsel. All allegations of Wrongdoing shall be reviewed and investigated in a timely and reasonable manner, which may include referring information to an appropriate law enforcement agency.
- iv. Should an Organization Employee believe in Good Faith that disclosing information within the Organization pursuant to Section II(i) above would likely subject him or her to Retaliation or be wholly ineffective, the Organization Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency. The Authorities Budget Office's toll free number (1-800-560-1770) should be used in such circumstances.

III. RETALIATION OR INTERFERENCE

- i. No Organization Employee shall engage in Retaliation against any Whistleblower; and no Organization Employee shall seek or attempt to deter any other Organization Employee from disclosing potential Wrongdoing in Good Faith.
- ii. All allegations of Retaliation against a Whistleblower, or interference by an Organization Employee with another Organization Employee seeking to disclose potential Wrongdoing, whether through threat, coercion, abuse of authority or in any other manner, will be thoroughly investigated by the Organization.
- iii. Any Organization Employee who retaliates against or attempts to interfere with any Whistleblower, or with any other individual for having in Good Faith disclosed potential violations of the Organization's Code of Ethics or other instance(s) of potential Wrongdoing, is subject to discipline, which may include termination of employment.
- iv. Any allegation of Retaliation will be treated seriously and without regard for the outcome of the investigation into the initial disclosure of potential Wrongdoing.

IV. OTHER LEGAL RIGHTS NOT IMPAIRED

This Policy is not intended to limit, diminish or impair any other rights or remedies that an Organization Employee may have under the law with respect to disclosing potential Wrongdoing free from Retaliation or adverse personnel action.

- i. Specifically, this Policy is 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 § 191 (commonly known as the “False Claims Act”), and Executive Law § 55(1).
- ii. With respect to any rights or remedies pursuant to Civil Service Law § 75-b or Labor Law § 740, any Organization Employee who wishes to preserve such rights must comply with the provisions of the applicable statute.

V. EFFECTIVE DATE

This Policy shall take effect immediately.