

HOUSING TRUST FUND CORPORATION  
WHISTLEBLOWER POLICY AND PROCEDURES

**Purpose**

It is the policy of the Housing Trust Fund Corporation (“HTFC”) to afford certain protections to individuals who in good faith report violations of HTFC’s Code of Ethics or other instances of potential wrongdoing within HTFC, including acts by an employee or board member of the authority of misconduct or malfeasance regarding investments, travel, the acquisition of real property, the disposition of real and personal property, and the procurement of goods and services. The whistleblower policy and procedures set forth below are intended to encourage and enable employees to raise concerns in good faith within HTFC and without fear of retaliation or adverse employment action.

**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 constitutes potential wrongdoing.

“Employee”: All board members of HTFC, officers of HTFC, and staff employed at HTFC whether full-time, part-time, employed pursuant to contract, employees on probation and temporary employees.

“Whistleblower”: Any Employee who in good faith discloses information concerning wrongdoing by another Employee, or concerning the business of HTFC 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 Employee that relates to HTFC.

“Personnel action”: Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

**Section I: Reporting Wrongdoing**

All Employees who discover or have knowledge of potential wrongdoing concerning board members, officers, or employees of HTFC; concerning a person having business dealings with HTFC; or concerning HTFC itself, shall report such activity in accordance with the following procedures:

a) The Employee shall disclose any information concerning wrongdoing either orally or in a written report to HTFC’s Counsel.

b) All Employees who discover or have knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.

c) An Employee reporting wrongdoing may do so anonymously and confidentially. The identity of the Whistleblower and the substance of his or her allegations will be kept confidential to the fullest extent possible.

d) The individual to whom the potential wrongdoing is reported shall investigate and handle the claim in a timely and reasonable manner, which may include referring such information to Counsel, the Authorities Budget Office, or an appropriate law enforcement agency where applicable.

e) Should an Employee believe in good faith that disclosing information to HTFC's Counsel pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The Authorities Budget Office's toll free number (1-800-560-1770) should be used in such circumstances.

## **Section II: Investigation of Claims**

All claims or reporting of wrongdoing will be thoroughly investigated by HTFC under the direction and supervision of HTFC's Counsel, unless Counsel refers the investigation to the Authorities Budget Office or other outside governmental authority to investigate. The findings of investigations conducted by HTFC shall, as appropriate, be set forth in a written report which shall include findings of fact, conclusions and recommendations. Should the findings of investigations reveal substantiated claims of wrongdoing, HTFC shall take appropriate action which may include referral to the Inspector General's Office; referral to the Members for recommended action requiring Member approval; or referral to the HTFC's President for recommended disciplinary or administrative action.

In the event it becomes necessary for Counsel, Members, officers or employees to recuse themselves from responsibilities assigned to them under these practices and procedures, these practices and procedures shall be administered with such reasonable adjustments as are necessary in furtherance of their purpose.

## **Section III: No Retaliation or Interference**

No Employee shall retaliate against any Whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no Employee shall interfere with the right of any other Employee by any improper means aimed at deterring disclosure of potential wrongdoing. Any attempts at retaliation or interference are strictly prohibited and:

a) No Employee who in good faith discloses potential violations of HTFC's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.

b) Any allegation of retaliation should be reported either orally or in a written report to HTFC's Counsel.

c) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by HTFC under the direction and supervision of HTFC's Counsel, unless Counsel refers the investigation to the Authorities Budget Office or other outside governmental authority to investigate.

d) The findings of investigations conducted by HTFC shall, as appropriate, be set forth in a written report which shall include findings of fact, conclusions and recommendations. Should the findings of investigations reveal substantiated claims of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing, HTFC shall take appropriate action which may include referral to the Inspector General's Office; referral to the Members for recommended action requiring Member approval. Any Employee who retaliates against or had attempted to interfere with any individual for having in good faith disclosed potential violations of HTFC's Code of Ethics or other instances of potential wrongdoing, is subject to discipline, which may include termination of employment, subject to collective bargaining provisions, laws, and regulations applicable to the Employee against whom disciplinary action is taken.

e) Any allegation of retaliation or interference will be taken and treated seriously and irrespective of the outcome of the initial complaint, will be treated as a separate matter.

In the event it becomes necessary for Counsel, Members, officers or employees to recuse themselves from responsibilities assigned to them under these practices and procedures, these practices and procedures shall be administered with such reasonable adjustments as are necessary in furtherance of their purpose.

#### **Section IV: Other Legal Rights Not Impaired**

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.

a) Specifically, these 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 § 191 (commonly known as the "False Claims Act"), and Executive Law § 55(1).

b) With respect to any rights or remedies that an individual may have pursuant to Civil Service Law § 75-b or Labor Law § 740, any 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 his or her designee the information to be disclosed and shall provide the appointing authority or designee a reasonable time to take appropriate action unless there is imminent and serious danger to public health or safety. (See Civil Service Law § 75-b[2][b]; Labor Law § 740[3])