

Onondaga County Directive	ADMINISTRATIVE DIRECTIVE MANUAL	
	SUBJECT: Fraud and Whistleblower Directive	
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	SIGNED: <i>Joanne M. Mahoney</i> County Executive	DATE: 10/6/09

DIRECTIVE: Onondaga County Local Law No. 13 Code of Ethics requires its officers, employees, and appointed officials to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of Onondaga County must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws, regulations, policies, and directives. This directive is intended to encourage and enable employees to raise concerns about non-compliance of any such laws, regulations, policies, and directives within Onondaga County prior to seeking resolution outside of County government. This directive also addresses the reporting and investigation of allegations and protection of retaliation to the whistleblower.

Definitions:

Whistleblower

A person making a protected disclosure is commonly referred to as a whistleblower. The whistleblower's role is as a reporting party. A whistleblower is not an investigator or finder of fact.

Protected Disclosure

Any good faith communication that discloses or demonstrates an intention to disclose information that may evidence improper activity and breaches of securities within County government must and shall be considered a protected disclosure.

Improper activity

Activity by a County agency or County employee that is undertaken in the performance of the employee's official duties, whether or not that action is within the scope of his or her employment, and that (1) is in violation of any county law or regulation, including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, malicious prosecutions, misuse of county property, or willful omission to perform duty, or (2) is economically wasteful, or involves gross misconduct, incompetence, or inefficiency shall be referred to as improper activity.

PROCEDURE: I. Reporting

Employees should first share their concerns or complaints with someone who can address them properly. In most cases, an employee's immediate supervisor is in the best position to address an area of concern. Supervisors and managers are required to report suspected violations to the department head who has responsibility to report to the Whistleblower Compliance Committee. When an employee is not satisfied or is uncomfortable reporting to the supervisor, the employee may and should contact a member of the Whistleblower Compliance Committee.

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II. Compliance Committee

All reported concerns are to be forwarded to the Compliance Committee Chair in written format. The Chair will acknowledge receipt of the concern within five business days, if possible. In addition, the disclosure shall be reported on the Whistleblower Tracking Report Log, Attachment A. The committee chair will follow-up with the complainant for complete closure of the concern.

III. Acting in Good Faith

Anyone filing a complaint concerning improper activity or suspected violation of the Onondaga County Code of Ethics Directive must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious offense.

IV. Confidentiality

Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. The Compliance Officer will, in a confidential manner, acknowledge receipt of the reported violation or suspected violation within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

V. Compliance Committee Members

William Fisher, Deputy County Executive (Chair)
Office of County Executive
435-3516

Joanna Gozzi, Senior Deputy County Attorney
Department of Law
435-2170

Elaine Walter, Commissioner
Department of Personnel
435-3537

James Rowley, Chief Fiscal Officer
Division of Management and Budget
435-3346

Robert Antonacci II, County Comptroller
Office of the Comptroller
435-2130

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VI. Retaliation

No County officer, employee, or appointed official, who in good faith reports improper activity, shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline. Access to an impartial forum to hear claims of retaliation will be made available.