



WHISTLEBLOWER POLICY

Purpose

It is the policy of the Olympic Regional Development Authority (“ORDA”) to afford certain protections to individuals who in good faith report violations of ORDA’s Code of Ethics or other instances of potential wrongdoing within ORDA. This Whistleblower Policy is applicable to all ORDA employees and its board members.

It prohibits discrimination, harassment and/or retaliation of any kind against anyone who reports in good faith, based upon a reasonable belief: (i) a complaint and/or provides information concerning an actual, potential or suspected act of fraud, misconduct, wrongdoing or other inappropriate behavior by an employee or ORDA business partner as further described in this Policy, or (ii) a complaint and/or provides information regarding any alleged conduct that violates or demonstrates non-compliance with ORDA Policies and Procedures and/or any applicable laws and regulations affecting the organization.

This Whistleblower Policy, and the procedures set forth below, are intended to encourage and enable employees to raise concerns in good faith within ORDA and without fear of retaliation or adverse employment action.

Definitions

For purposes of this policy, the terms specified below shall be defined as follows:

“Good Faith” – shall mean information that is disclosed whereby the individual disclosing said information reasonably believes such information to be true and reasonably believes that it constitutes potential wrongdoing.

“ORDA” – shall mean the Olympic Regional Development Authority.

“ORDA Employee” – shall mean all staff employed by ORDA including those working full-time, seasonal, part-time, temporary, or contract employees. The term ORDA Employee shall also include, for purposes of this policy, ORDA board members and ORDA Officers.

“Whistleblower” - shall mean any ORDA Employee (as defined herein) who in good faith discloses information concerning acts of wrongdoing, misconduct, malfeasance, or other inappropriate behavior by another ORDA Employee, or concerning ORDA’s investments, travel, acquisition of real or personal property, the disposition of real or personal property, the procurement of goods and services, and/or the business of ORDA itself.

“Wrongdoing” - shall mean 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 ORDA Employee (as defined herein) that relates to ORDA.

“Personnel action” – shall mean any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

Section I: Reporting Wrongdoing

Any ORDA Employee who discovers or has knowledge of potential wrongdoing concerning: board members, officers, or employees of ORDA; or a person having business dealings with ORDA; a contractor of ORDA; or concerning ORDA itself, shall report such activity in accordance with the following procedures:

- a) The ORDA Employee shall disclose any information concerning wrongdoing either orally or in a written report to his or her highest level supervisor (i.e., Venue Manager or departmental Director), or to ORDA’s ethics officer, general counsel or human resources representative.
- b) Any ORDA Employee who discovers or has knowledge of wrongdoing shall report such wrongdoing in a prompt and timely manner.
- c) The identity of the whistleblower and the substance of his or her allegations will be kept confidential to the best extent possible.
- d) The individual to whom the potential wrongdoing is reported shall forward the complaint to the Vice President of Operations, Director of Human Resources, or General Counsel, who will then cause an investigation to be conducted in a timely and reasonable manner, which may include referring such information to the Authorities Budget Office or an appropriate law enforcement agency where applicable.
- e) Should an ORDA Employee believe in good faith that disclosing information within ORDA pursuant to Section 1(a) above would likely subject him or her to adverse personnel action or be wholly ineffective, the ORDA Employee may instead disclose the information to the Authorities Budget Office or an appropriate law enforcement agency, if applicable. The toll free number for the Authorities Budget Office (1-800-560-1770) should be used in such circumstances.
- f) Any Employee who knowingly submits false allegations of misconduct, fraud, or other wrongdoing, or otherwise fabricates accusations, is not protected under this policy and is subject to disciplinary action up to and including termination.

Section II: No Retaliation or Interference

No ORDA Employee shall retaliate against any whistleblower for the disclosure of potential wrongdoing, whether through threat, coercion, or abuse of authority; and, no ORDA employee shall interfere with the right of any other ORDA employee by any improper means aimed at deterring disclosure of potential wrongdoing. Further, no ORDA employee shall retaliate against or otherwise interfere with an employee who is cooperating and/or providing information during the course of an investigation. Any attempts at retaliation or interference are strictly prohibited and:

- a) No ORDA Employee who in good faith discloses potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing, shall suffer harassment, retaliation or adverse personnel action.
- b) All allegations of retaliation against a Whistleblower or interference with an individual seeking to disclose potential wrongdoing will be thoroughly investigated by ORDA.
- c) Any ORDA Employee who retaliates against or attempts to interfere with any individual for having in good faith disclosed potential violations of ORDA's Code of Ethics or other instances of potential wrongdoing is subject to discipline, which may include termination of employment.
- d) 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.

Section III: 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]).

