

Montauk Library Personnel Policy

Revised June, 2021

DISCLOSURE OF WRONGFUL CONDUCT ("Whistleblower's Policy")

The purpose of this policy is to encourage Library Trustees, officers, employees and volunteers to report instances of suspected illegal or improper conduct such as theft, fraud, and mismanagement of Library resources, violations of Library policies and regulations, as well as to inform Library Trustees, officers, employees and volunteers of the protections afforded them under the "whistleblower law" which prohibits a public employer from retaliating against a Trustee, officer, employee or volunteer who discloses to the Library information concerning a violation of the law, rule or regulation, which creates a substantial and specific danger to the public health or safety, or which the employee reasonably believes constitutes an improper action by a Library officer or employee.

No Trustee, officer, employee or volunteer of the Library who in good faith reports any actions or suspected actions taken by or with the Library Board of Trustees, officers or staff that is illegal, fraudulent or in violation of any substantial policy of the Library shall suffer intimidation, harassment or discrimination or other retaliation or, in the case of employees, adverse employment consequences.

The Board of Trustees expects the Library's Trustees, officers, employees and volunteers to fulfill the public's trust and to conduct themselves responsibly in accordance with Library policies and regulations, as well as applicable state and federal laws and regulations.

For purposes of this policy, the term "wrongful conduct" shall be defined to include"

- Illegal conduct, including theft of Library money, property or resources;
- Misuse of authority for personal gain or other non-Library purpose;
- Fraud
- Violations of applicable federal and state laws and regulations; and/or serious violations of Library policies, regulations and/or procedures.

Disclosure and Investigation

Trustees, officers, employees and volunteers who have knowledge of wrongful conduct or have reasonable cause to believe that wrongful conduct has occurred shall report such circumstances to the Library Director. The Library Director, upon receiving a report of alleged wrongful conduct, shall take immediate steps to conduct an investigation with or without designees. If the Library Director is the subject matter of the reported conduct, the President of the Board of Trustees shall immediately conduct an investigation, with or without designees.

The Library Director shall maintain a written record of the allegations, conduct an investigation to ensure that the appropriate authorities investigate the disclosure, and provide the Board of Trustees with a report.

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Except as otherwise provided in either state and/or federal law, the Director or Board President conducting the investigation, or their designees, shall reasonably attempt to protect the identity of the person making the disclosure in a confidential manner, and will make reasonable efforts to maintain the confidentiality of the person reporting the conduct, provided that doing so will not interfere with the investigation of the specific allegations and circumstances.

Complaints of Reprisal

The provisions of Section 75-b of the Civil Service Law (“whistleblower's law) and Section 715-B Not-for-Profit Corporation Law prohibits public employers from engaging in retaliatory personnel action against an employee, officer or volunteer who discloses to a governmental body information concerning either a violation of the law, rule or regulation, which creates a substantial and specific danger to the public health or safety, or which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. However, if an employee discloses information which he or she has reasonable cause to believe is false or which is prohibited or protected from disclosure by law, the employee is not protected by these provisions of law.

An employee who has been subject to an adverse employment action based on his or her prior disclosure of alleged or actual wrongful conduct may contest the action by filing a written complaint of reprisal with the Library Director. The Library Director (or Board President, if the allegations involve actions of the Library Director) or his or her designee, will review the complaint expeditiously to determine:

- whether the complainant made a disclosure of alleged wrongful conduct before an adverse employment action was taken;
- whether the responding party could reasonably have been construed to have had knowledge of the disclosure and the identity of the disclosing employee;
- whether the complainant has in fact suffered an adverse employment action after having made the disclosure; and
- Whether the complainant alleges that adverse employment action occurred as a result of the disclosure.

If the Library Director (or Board President) or designee determines that all of the above elements are present, he or she shall appoint a review officer or panel to investigate the claim and make recommendations to the Board. At the time of appointment, the designee shall inform the complainant and the respondent, in writing, of:

- the intent to proceed with an investigation;
- the specific allegations to be investigated;
- the appointment of the review officer or panel; and
- the opportunity of each party to support or respond, in writing, to the allegation.

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Once the review officer or panel has conducted a review and considers the investigation to be complete, the officer or panel will notify the designee of its completion. From the date of that notice, the review officer or panel has thirty (30) days to report his/her/their findings and make any recommendations he/she/they deem appropriate to the designee. The designee, in consultation with the Library Director and/or Board President shall issue a letter of findings to both the complainant and the respondent.

Nothing in this policy is intended to interfere with legitimate employment decisions. Moreover, the protections afforded under the “whistleblower law” are not applicable under circumstances where the Library had or has independent grounds for disciplinary actions and proceedings against an employee.

The Library Director shall establish regulations necessary to implement this policy.

This policy and accompanying regulations shall be published and posted in employee lounges and distributed to all Trustees, officers and employees.

The Library Director and others responsible for the implementation of this policy shall meet with the Board annually to evaluate the effectiveness of this policy and to recommend appropriate modifications to this policy and regulations hereunder.

Ref: Civil Service Law 75-b
Labor Law