

MONROE COUNTY LAND BANK CORPORATION

WHISTLEBLOWERS AND PROTECTION FROM RETALIATION POLICY

Section 1. Definitions of Protected Activity

Employees who engage in activities protected by anti-discrimination laws, including Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Equal Pay Act, and all other state anti-discrimination statutes are protected from retaliation. This activity includes employees who reasonably communicate the belief that the agency's practice constitutes unlawful employment discrimination; an employee who refuses to obey an order based on reasonable and good faith belief that the practice is unlawful; an employee who files an administrative charge with the Equal Opportunity Employment Commission or analogous state agency; or an employee who testifies, assists or participates in any other way in an investigation, proceeding, hearing or litigation brought under an anti-discrimination law.

A Whistleblower, defined as an employee who reports (1) an activity that he or she believes is illegal or dishonest in violation of federal, state or local laws and/or agency policy; or (2) billing for services not performed or for goods not delivered and other fraudulent financial reporting, is also protected from retaliation under this policy.

Section 2. Definitions of Retaliation

Monroe County Land Bank Corporation (MCLBC) is committed to protecting all employees' access to their rights without fear of retaliation. Retaliation may include a negative employment action such as a demotion, termination, threat, reprimand, harassment or other adverse treatment that is brought against the employee for engaging in any protected activity.

Section 3. Complaint Procedures

Employees are encouraged to report concerns regarding discrimination, retaliation, harassment or any activity that the employee reasonably and in good faith feels to be illegal or dishonest to the attention of management staff as soon as possible. Complaints may be written or verbal and should be made to the Land Bank Board Chairperson. If the employee does not feel comfortable going to the Board Chairperson, then the complaint should be taken to the chairperson of the Audit Committee. There is no time limit for making a complaint, but every effort should be made to initiate the complaint as soon as possible while facts and potential testimony of witnesses are fresh.

Section 4. Investigation

All complaints will be investigated in an impartial manner as soon as possible, but will commence no later than within ten (10) working days of when the complaint was made and shall be conducted in accordance with the Appendix, known as the *Workplace Conduct Investigation Policy*. Confidentiality of the person filing the complaint will be protected as much as possible. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, or to provide accused individuals with their legal rights of defense.

Section 5. Resolution

The Land Bank will take immediate and appropriate remedial action that is necessary to end the alleged discrimination, harassment or retaliatory activity, including discipline. Any employee determined to have engaged in such behavior will be subject to disciplinary action, up to and including termination from employment. To the extent possible, employees who file a complaint of harassment, retaliation, discrimination or activities that fall under the Whistleblower definitions will be informed of the outcome of the investigation.

Section 6. Distribution of Policy

A copy of this policy is required to be, and shall be, distributed to all directors, officers, employees and to volunteers who provide substantial services to the corporation.

Effective Date: June 11, 2025

Approved By: Monroe County Land Bank Corporation Board of Directors

APPENDIX – WORKPLACE CONDUCT INVESTIGATION POLICY

Monroe County Land Bank Corporation (“MCLBC” or “Land Bank”) is committed to fostering a respectful, safe, and productive work environment for all employees. This policy outlines the procedures for investigating allegations of misconduct, ensuring fairness, impartiality, and timely resolution as defined in the *Whistleblowers and Protection from Retaliation Policy*.

1. Purpose: This policy aims to:

- Establish a clear and consistent process for investigating allegations of workplace misconduct.
- Ensure that all allegations are taken seriously and investigated thoroughly.
- Protect the rights and privacy of all parties involved in an investigation.
- Determine the facts and circumstances surrounding alleged misconduct.
- Take appropriate corrective action when misconduct is found to have occurred.
- Maintain a fair and respectful workplace for all employees.

2. Scope: This policy applies to all employees and directors of the Monroe County Land Bank Corporation including full-time, part-time, temporary, and contract employees, as well as interns and volunteers. It covers all forms of alleged workplace misconduct, including but not limited to:

- Harassment (including sexual harassment, racial harassment, and other forms of unlawful harassment)
- Discrimination (based on race, color, religion, sex, national origin, age, disability, genetic information, or any other legally protected characteristic)
- Bullying and intimidation
- Retaliation against individuals who report misconduct or participate in an investigation
- Theft, fraud, or misuse of company property
- Violation of company policies and procedures
- Insubordination
- Workplace violence or threats of violence
- Substance abuse in the workplace
- Other conduct that disrupts the workplace or violates legal or ethical standards

3. **Reporting Misconduct:** Employees are encouraged to report any concerns or allegations of workplace misconduct promptly. Reports shall be made to the positions listed below in the following order. However, if the nature of the complaint includes one of the individuals below, an employee may bypass the order and move to the next position in the list as appropriate.

- a. Their immediate supervisor
- b. The Chairperson of the Board of Directors
- c. The Chairperson of the Audit, Finance, or Governance Committee

Reports can be made verbally or in writing. While anonymous reports will be considered, providing contact information allows for follow-up questions and a more thorough investigation. Monroe County Land Bank Corporation prohibits retaliation against any employee who reports misconduct in good faith.

4. **Initiation of an Investigation:** Upon receiving a report of alleged misconduct, the individual receiving the report will notify the Chairperson of the Board of Directors and the Chairperson of the Audit Committee in writing within 24 hours. The Chairperson of the Board of Directors and the Chairperson of the Audit Committee will promptly assess the seriousness of the allegations and determine whether an investigation is warranted. The decision to investigate will be based on factors such as the nature of the allegations, the credibility of the information, and the potential impact on the workplace.

5. **The Investigation Process:** The investigation will be conducted in a fair, impartial, and timely manner. The process shall include the following steps:

- **Designation of Investigator(s):** The Chairperson of the Board of Directors and the Chairperson of the Audit Committee will designate an investigator. The investigation will be conducted by individuals who are trained and impartial. This may include the Land Bank Director (when not the subject of the complaint), a member of the Board of Directors, internal legal counsel, or an external investigator as warranted.
- **Interviews:** The investigator(s) will conduct interviews with the reporting party, the alleged wrongdoer, and any relevant witnesses. All individuals involved will be treated with respect and given an opportunity to provide information.
- **Gathering Evidence:** The investigator(s) will gather and review relevant documents, electronic communications, and other evidence. All Land Bank communications are subject to Freedom of Information Law (FOIL) of NYS and will be made available at the request of the investigator.
- **Maintaining Confidentiality:** All information gathered during the investigation will be kept confidential to the extent possible, consistent with the need to conduct a thorough and fair investigation and take appropriate action. In the event there is credible evidence of criminal wrongdoing the matter shall be referred to appropriate law enforcement and all investigation information will be shared.

- **Providing Updates:** The reporting party and the alleged wrongdoer will be kept reasonably informed of the progress of the investigation, where appropriate and feasible, while respecting the confidentiality of the process.
6. **Findings and Conclusions:** Upon completion of the investigation, the investigator(s) will analyze the evidence and prepare a written report summarizing the findings and conclusions. The report will include:
- A summary of the allegations.
 - A description of the investigation process.
 - A summary of the evidence gathered.
 - Findings of fact based on the evidence.
 - A conclusion as to whether the alleged misconduct occurred and, if so, the nature and extent of the misconduct.
7. **Corrective Action:** If the investigation concludes that misconduct has occurred, Monroe County Land Bank Corporation will take appropriate corrective action, which may include:
- Verbal or written warning
 - Performance improvement plan
 - Suspension
 - Demotion
 - Termination of employment
 - Referral to counseling or training
 - Other appropriate measures
 - Referral to law enforcement

The severity of the corrective action will depend on the nature and severity of the misconduct, the employee's past record, and other relevant factors. Monroe County Land Bank Corporation is committed to ensuring that corrective action is fair, consistent, and proportionate.

8. **Appeals Process (Optional):** At the conclusion of an investigation the individual(s) who made the report and the individual(s) who are the subject of the report may appeal to the Chairperson of the Board of Directors within two weeks of the conclusion of the investigation and findings.

In writing, this appeal will state any disagreements with the investigation and/or the corrective action and provide a supporting statement about the nature of their disagreement with the outcome of the investigation. All parties involved will be provided an opportunity to review and reply to any appeal.

Within two board meetings of the Land Bank, a quorum of the Board of Directors will review the appeal and make a determination. The determination will outline in writing whether the Board of Directors approve, reject, or approve with modifications the result of the investigation.

The determination will only be effective upon a vote by a quorum of the Board of Directors. Only one appeal per investigation shall be conducted. All appeals will be final and conclusive.

9. **Documentation**: All reports of misconduct, investigation records, findings, and corrective actions taken will be documented and maintained in accordance with applicable legal and Land Bank requirements.
10. **Training and Communication**: Monroe County Land Bank Corporation will provide training to employees on this policy and related workplace conduct expectations. This policy will be readily accessible to all employees. All new employees will receive a copy as part of their onboarding. All employees and directors will receive a copy of this policy when it is adopted and updated. All policies will be saved internally and available to all employees.
11. **Review and Updates**: This policy will be reviewed periodically and may be updated as necessary to ensure its effectiveness and compliance with applicable laws and regulations.

Monroe County Land Bank Corporation is committed to maintaining a workplace where all individuals are treated with dignity and respect. We encourage employees to come forward with any concerns about potential misconduct, knowing that their reports will be taken seriously and handled appropriately.

Effective Date: June 11, 2025

Approved By: Monroe County Land Bank Corporation Board of Directors