

Wayne County

WHISTLEBLOWER PROVISION AND PROTECTIONS POLICY



Whistleblower Provisions and Protections

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Wayne County will extend to its employees all protections afforded to them under the applicable State and federal Whistleblower laws including the Federal False Claims Act, the New York State False Claims Act and the New York Civil Service Law. Private contractors may find protections under the New York State Labor Law as well as the False Claims Acts.

I. New York Civil Service Law

It is the County's intent to encourage honesty in the conduct of business. Therefore, the County relies on its employees, contractors and vendors to guard against fraud, by confidently reporting all instances of fraud and suspected fraudulent activities to the employer. In the first instance, reports must be made to the reporter's Supervisor to take corrective action, or if unavailable, or involved, the report should be made to the Department Director, the Compliance Officer, or the County Administrator.

The New York State Civil Service Law prohibits the County from dismissing or taking other disciplinary or other adverse personnel action against a public employee who reports fraud, wrongdoing or violations of the law, to Wayne County or to another government body. These protections apply to disciplinary proceedings, arbitration and collective bargaining agreements where the adverse action taken by the employer is based solely on retaliation for whistleblower conduct.

Where the employee who has been the subject of a retaliatory personnel action is not subject to a final and binding arbitration decision, the employee may bring a civil action in court and the court may order reinstatement of the employee to the same or an equivalent position, the reinstatement of full fringe benefits and seniority rights and compensation for lost wages, benefits and other remuneration including court costs and attorney fees.

II. State and Federal False Claims Act

Where an employee reports false, fraudulent or suspected fraudulent acts in regard to financial transactions including claims, documents or contracts for money, goods or services related to federally or state funded financing, and where as a result of such report, said employee suffers dismissal, disciplinary, or other adverse personnel action, the Federal or State False Claims Acts may offer remedies.

Under the Federal False Claims Act any person may bring a qui tam civil action for a violation of the Federal False Claims Act on behalf of the federal government. Furthermore, an employee may bring a qui tam lawsuit in U. S. District Court if the employee has been discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or employer because of lawful acts done by the employee in reporting a false claim to the employer or to a government body.

To obtain relief under the Federal False Claim Act the whistleblower must file a lawsuit called a "qui tam" suit in Federal District Court. If the qui tam suit is successful the whistleblower, known as a "qui tam relator" will be entitled to 15 - 30 % of the government's total recovery, which includes damages for false bills, tripled, plus civil penalties of from \$5,000 - \$10,000 per claim. For employees who have been the subject of an adverse personnel action, other relief available through successful litigation includes: reinstatement with the same seniority status, 2 times the amount of back pay, interest on the back pay and compensation for any special damages sustained including court costs and attorney fees.

*To recover, the "qui tam relator" must have complied with complex statutory requirements. Merely providing information to a hotline will not entitle the relator to a recovery under the False Claims Act.

III. New York State False Claims Act (NYSFCA):

The NYSFCA also referred to as a Qui Tam Statute or whistleblower law allows a private individual (such as a County employee) to sue a person or company (including a fellow employee or employer in their individual capacity), if such person or company knowingly submits a false or fraudulent claim to a state or local government (such as NY State or Wayne County). Such false or fraudulent financial claims include but are not limited to health care fraud in programs such as Medicaid.

Lawsuits under this statute are called qui tam suits, and those reporting fraud are called "qui tam relators". A relator in a successful lawsuit may recover between 15%-30% of the proceeds in the action or settlement of the action, depending who prosecutes the action. Employees who have been the subject of a retaliatory personnel action may also be entitled to reinstatement to their position, reinstatement of full fringe benefits and seniority rights, payment of 2 times back pay, plus interest and compensation for any special damages sustained including litigation costs and attorney fees.

Compliance Hotline:

315-946-7431

Compliance Email:

compliance@co.wayne.ny.us

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