



# William Floyd Union Free School District

of the MASTICS - MORICHES - SHIRLEY  
*Our rich history builds a promising future!*

Kevin Coster  
*Superintendent of Schools*

Malasia Walker, Ed.D  
*Director of Special Education*

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## Non Retaliation Policy

### **PURPOSE:**

To foster an environment in which all employees, parents, and partners are comfortable reporting possible instances of noncompliance.

### **POLICY:**

William Floyd School District requires employees to report any suspected or known instances of fraud and abuse to the Medicaid Compliance Officer.

### **PROCEDURE:**

The Compliance Officer will investigate and respond to all reports of noncompliance, and is further required to protect employees making these reports from intimidation, threats, coercion, discrimination, or any other form of retaliation. In addition, all administrative staff members are required to report any reports of non-compliance that is not directly submitted to the Compliance Officer.

***All employees are obligated to report.*** It is the responsibility of all employees of the William Floyd School District to report perceived misconduct, including actual or potential violation of laws, regulations, procedures, Code of Ethics or the Compliance Plan. Employees may report misconduct to their supervisor, the Compliance Officer, or anonymously by calling the Compliance Hotline number at 631-874-1334.

***Reports must be made in Good Faith.*** This non-retaliation/whistleblower policy applies to all reports that are made in good faith, are expressed in a reasonable manner and do not violate the law.

***William Floyd School District will not retaliate.*** The individual reporting potential or actual noncompliance will not be retaliated against through

harassment, intimidation, denial of promotion or raises, loss of employment or professional opportunities or in any other manner. The Federal False Claims Act and the NYS False Claims Act protects qui tam relators who are discharged, suspended, threatened, harassed, or in any other manner discriminated against in the terms and condition of employment.

#### **New York Labor Law §740.**

Under New York's Labor Law, employers are prevented from taking any retaliatory actions against an employee who in good faith discloses (or threatens to disclose) to a supervisor or to a public body that the employer is violating the law and the violation presents a substantial and specific danger to the public health and safety or constitutes the crime of health care fraud. To bring an action under this provision, the employee must first bring the alleged violation to the attention of the employer and give the employer a reasonable opportunity to correct the alleged unlawful practice. The law allows employees who are the subject of a retaliatory action to bring a civil action in court and seek relief such as injunctive relief to restrain continued retaliation; reinstatement, back-pay and compensation of reasonable costs. The Act also provides that employees who bring an action without basis in law or fact may be held liable to the employer for its attorney's fees and costs.

#### **New York Labor Law §741.**

A School District employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care. The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If an employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.