

Discipline Policy

Unity House of Troy, Inc.

Overview

Unity House is committed to strict compliance with the law and a corporate culture that values and promotes honesty and integrity in operations. Unity House requires service delivery, operations, and billing and payment reconciliation to be performed in accordance with policy and procedure and the regulations of third party payers and other applicable federal and state regulations. The agency has taken steps to prevent and detect fraud, waste, and abuse or other non-compliant practices including but not limited to implementing strong internal controls and regular auditing and monitoring. Additionally, Unity House requires all employees, managers, executives, volunteers, vendors, contractors, subrecipients, and other agents to share in the responsibility of preventing, detecting, and reporting suspected incidents of fraud, waste, abuse and/or other potential acts of misconduct or wrongdoing.

Statements regarding expectations for compliant and ethical conduct can be found in the Compliance Plan, Standards of Conduct, and throughout the Compliance Program's policies and standards.

Applicability

The Compliance Program's Disciplinary Policy applies to Unity House's employees, managers, executives, board members, volunteers, vendors, contractors, subrecipients and other agents who:

- Are required to participate in Unity House's Compliance Program,
- Furnish or otherwise authorize the furnishing of services funded through government programs,
- Perform billing and coding functions on behalf of Unity House,
- Voucher Unity House for services and goods that will be reimbursed through government programs, and
- Monitor such functions.

Individuals covered by this policy are hereafter referred to in short as "employees, contractors, and other agents".

Publication of Disciplinary Mechanisms (new addition)

The Compliance Officer is responsible for publishing and disseminating the consequences of violating Unity House Compliance Standards to all employees, contractors, and Board members on a regular basis. Methods of publication and dissemination may include, but are not limited to:

- a. Email notifications;
- b. Meetings with employees, Board members and contractors;
- c. Implementing written policies and procedures;
- d. Posting notices in Unity House common areas;
- e. The Compliance Program hosts a page on Unity House's Intranet; and
- f. Posting on the Unity House website.

Policy

All employees, contractors, and agents **are required to report** suspected compliance issues, concerns, or violations. This means reporting any conduct or activity that a reasonable person might suspect is a violation of the Compliance Program's Plan, Standards of Conduct and/or policy or procedure or federal or state law. A few examples of compliance issues for which reports must be made include but are not limited to:

- Preparation or submission of a false claim or report.
- Instances of fraud, waste, abuse, and/or other potential misconduct or wrongdoing.
- Use of agency funds or resources for personal gain.
- Potential acts of intimidation and/or retaliation taken against an individual in an effort to deter the individual from reporting a compliance concern or participating and cooperating with an investigation of a compliance issue.

Unity House encourages employees, managers, executives, board members, volunteers, contractors, and other agents to be diligent in their work. Participation in non-compliant behavior or encouraging, directing, facilitating or permitting non-compliant behavior is expressly prohibited and such behavior may result in disciplinary action up to and including termination.

Failure to report, disclose, and/or to assist in an investigation of suspected fraud, waste, abuse, or other potential wrongdoing is a breach of the employee or agent's obligation to Unity House and may result in disciplinary action up to and including termination.

Individuals who, by virtue of their position in the organization, should have known but failed to detect

such conduct will also be subject to disciplinary action up to and including termination.

Employees, contractors, and other agents who suspect a violation of the Compliance Plan, Standards of Conduct, policies and procedures, or rules, regulations, or laws are required to notify Unity House of Troy, Inc. Employees, contractors, or other agents can make a report by:

- **Contacting their supervisor or another manager** (to the extent they are not involved).
- **Contacting the Compliance Program directly.**

Colleen Hanaway Seeley, Corporate Compliance Officer

2431 6th Avenue, 4th floor Troy,

NY 12180

(p) 518.687.1591

(c) 518.421-7416

(e) CSeeley@unityhouseny.org

- **Accessing Unity House’s confidential Compliance Hotline.** This option is available 24 hours/day 365 days/year. The Hotline is operated by Lighthouse Services, an impartial third party vendor, and offers comprehensive, confidential, and anonymous reporting services. When a report is made to the Compliance Hotline, Lighthouse notifies the Compliance Officer. All reports to the Compliance Hotline will be kept strictly confidential, unless the matter is turned over to law enforcement. Confidential means the Compliance Officer is the only person who will know the identity of the reporter. If a report made to the Compliance Hotline requires an investigation, the Compliance Officer will not specifically identify the reporter during the course of the investigation.

Reporters may also choose to make an anonymous report to the Compliance Hotline. In such instances, no identifying information about the reporter is collected, and Lighthouse notifies the Compliance Officer of the content of the report only. Anonymous reports will still be investigated as warranted.

- **Lighthouse’s Toll-Free Hotline:**

(800) 401-8004 (English)

speaking) (800) 216-1288

(Spanish speaking)

- **Lighthouse’s Hotline on the Web:**

<http://www.lighthouse-services.com/unityhouseny>

- **Lighthouse’s Hotline via E-mail:**

reports@lighthouse-services.com (must include “Unity House” in the report)

- **Lighthouse’s Hotline via Fax:**

(215)689-3885 (must include “Unity House” in the report)

If an employee, contractor, or other agent believes management is not responding to his/her report within a reasonable amount of time or believes management may be involved, the employee or agent should report the concern to the Compliance Officer. If the employee believes the Compliance Officer is not responding within a reasonable amount of time, the employee or agent should contact the Chief Executive Officer. If the employee or agent feels that Unity House is not addressing his or her concerns, the individual retains the right to report his or his suspicions to the appropriate officials provided in Section 740 and 741 of NYS Labor Law.

Unity House will investigate all allegations or suspicions of fraud, waste, abuse, or other potential acts of misconduct or wrongdoing swiftly and thoroughly. All employees, contractors, and agents are required to assist in investigations as needed. Unity House will make every attempt to correct and prevent any wrongdoing.

In accordance with Unity House’s Non-Retaliation and Non-Intimidation Policy and applicable law, Unity House strictly prohibits intimidation or retaliation against employees or others who, in good faith, participate in the Compliance Program and/or bring forth claims of fraud, waste, abuse and/or other suspected acts of misconduct or wrongdoing. Any employee who commits or condones any form of intimidation or retaliation will be subject to disciplinary action up to and including termination.

Persons, including Medicaid recipients of service, who report compliance issues should have a reasonable expectation that their communication will be kept confidential, whether requested or not. Individuals who raise questions or report concerns (in good faith) are protected under the Unity House non-intimidation

and non-retaliation policy.

Exceptions to confidentiality include, subject to a disciplinary proceeding, referral to, or under investigation by, Medicaid Fraud Control Unit (MFCU), New York State Office of Medicaid Inspector General (OMIG) or law enforcement or disclosure is required during a legal proceeding.

The establishment and enforcement of disciplinary standards are important to demonstrate Unity House's integrity and commitment to compliance, to encourage good faith participation and reporting, and to prevent occurrences and reoccurrences of fraud, waste, abuse, and other misconduct or wrongdoing. This disciplinary policy will be enforced firmly and fairly and will apply equally to all affected persons (i.e. staff, managers, executives, contractors, and board members).

The resolution of compliance-related disciplinary issues for Unity House employees, managers, volunteers, and interns will be determined through the Human Resources Department, the Service/Department Director, and the Compliance Officer.

The resolution of compliance-related disciplinary actions for executives will be determined by the CEO, Director of Human Resources, and the Compliance Officer (to the extent they are not involved), and the Board of Directors when appropriate.

The resolution of compliance-related disciplinary actions for board members will be determined by the Executive Committee (to the extent they are not involved).

Unity House may seek legal counsel for guidance as it relates to compliance-related discipline. In such instances, the Compliance Officer, Director of Human Resources, Chief Executive Officer, and/or the Board Chair (as applicable and appropriate) will be included in privileged communications with counsel.

The level of discipline will vary in relation to the severity of the compliance violation as well as the individual's relation to the violation and may consist of:

- Extending an orientation period,
- Verbal Warning,
- Written Warning,
- Suspension from employment with or without pay for a period of up to ten (10) regularly

scheduled workdays,

- Demotion, and
- Termination.

There is no pre-determined sequence of type or number of actions prior to termination of employment. Nor is Unity House required to follow progressive discipline in disciplining and/or discharging an employee. If a verbal or written warning is issued, it will include the reasons for the action, performance expectations and consequences of failure to meet the expectations.

Board member sanctions shall range from written admonition to, in the most extreme of cases, removal as a Board member in accordance with Unity House Bylaws and policies, as well as applicable laws and regulations. The Compliance Officer shall make a recommendation to the Board with respect to such sanctions.

Contractor sanctions shall range from written admonition, financial penalties (if applicable), and in the most extreme of cases, termination of the contractor's relationship with Unity House, if feasible. The Compliance Officer shall make a recommendation to the Chief Executive Officer with respect to such sanctions.

Unity House will consider mitigating or aggravating factors, as appropriate. When deciding upon the appropriate discipline, Unity House will consider whether the individual or entity voluntarily reported the issue and/or fully cooperated in any investigation, and any other mitigating and/or aggravating circumstances. However, Unity House retains the discretion to select the appropriate disciplinary action and sequence of action (if any) from these options, or others.

All disciplinary actions and sanctions are documented in the personnel or contractor file, and in Unity House compliance files.

*Suspension from Employment: A suspension of employment with pay for up to five (5) regularly scheduled workdays may be implemented for investigating an employment-related incident. It is not considered disciplinary action, although disciplinary action may follow the suspension if the findings of the investigation warrant such action.

Unity House is committed to training, educating, and empowering its employees and agents to detect, prevent, and report suspected incidents of fraud, waste, abuse and other acts of misconduct or wrongdoing. In accordance with the Training and Education Policy, annual compliance training is mandatory for all employees, volunteers, managers, executives, board members, and other agents and

will, in part, cover this policy and procedure. Unity House will provide all persons covered by this policy and procedure with a copy of it.

Discipline standards are enforced fairly and consistently, and the same disciplinary action applies to all levels of personnel.

Any questions about the Discipline Policy should be directed to the employee's supervisor or the Compliance Officer.