

Section 8: **Corporate Compliance**  
Policy Number: **8.11**  
Board Approved: **10/23/2006**  
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**Agency Policy:** Reporting Compliance Concerns/Whistleblower Protection

Strict adherence to Warren, Washington & Albany Counties ARC's (WWAARC) Corporate Compliance Plan and Code of Conduct is vital. WWAARC requires all employees, directors, officers, volunteers, and independent contractors (hereafter identified as "covered parties") to promptly report any known or suspected violation(s) of the Corporate Compliance Plan, Code of Conduct, policies, and procedures or any of the federal, state, or local statute, rules, or regulations, executive order, or any judicial or any administrative decision by which WWAARC is governed. This policy governs the procedure used by covered parties to report compliance concerns and seeks to ensure that WWAARC provides an environment that encourages individuals to report any suspected violations without fear of retaliation, intimidation, or retribution. Former employees are also covered under the protection from retaliation/intimidation section of this document.

**Scope:**

**Governing Laws & Regulations**

- Section 715-B New York Not-for-profit Corporation Law (NPCL)
- Section 740 of New York Labor Law
- Section 363-D of New York Social Services Law
- Title 18 Part 521 of New York Codes, Rules and Regulations

This policy applies and is distributed to all covered parties of WWAARC. Distribution is satisfied by posting this policy to WWAARC's website or at the corporate offices in a conspicuous location available to all covered parties. The WWAARC Board of Directors oversees implementation of and compliance with this policy.

**Procedure:**

A. **Duty to Report**

Covered parties are encouraged to report any known or suspected violations of the aforementioned areas by which WWAARC is governed to their supervisor, manager, the Corporate Compliance Officer or through WWAARC's Fraud and Abuse Compliance Hotline. This duty has limited exemptions to report, as detailed in section B of this policy.

1. Reporting Through WWAARC's Fraud and Abuse Compliance Hotline:

Covered parties may report their compliance concerns confidentially to the WWAARC Fraud and Abuse Compliance Hotline. The Compliance Hotline telephone number is 1-866-219-1122. Callers to the Compliance Hotline may make reports anonymously. No caller is required to disclose their identity, and no attempt should be made to trace the source of the call or identity of the caller when the caller requests anonymity.

If a caller has revealed their identity, confidentiality is maintained to the extent practicable and allowed by law. However, callers should be aware that it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identity, or they inform people that they have called the Compliance Hotline. Callers should also be aware that WWAARC is legally required to report certain crimes or potential crimes and infractions to external governmental agencies.

The Compliance Hotline telephone number is visibly posted in a manner consistent with employee notification in locations frequented by WWAARC employees, directors, officers, and volunteers.

2. Confidentiality of Reports:

WWAARC treats all reports made under this policy confidentially and works to protect the identity of the individual who has made a report to the maximum extent possible consistent with fair and vigorous enforcement of the Corporate Compliance Program and Code of Conduct while also fulfilling WWAARC's obligation to disclose matters to governmental agencies, as necessary.

3. Tracking/Investigation of Reports:

Any manager or supervisor who receives a report of a suspected violation completes a Complaint Intake Form (See Exhibit A) or initiates an email describing the suspected violation. A copy of the completed Complaint Intake Form/email is immediately directed to the Corporate Compliance Officer. In addition, the Corporate Compliance Officer or their designee completes a Complaint Intake Form for all reports received through the Corporate Compliance department, WWAARC's Compliance Hotline or otherwise.

Upon receipt of a Complaint Intake Form, the Corporate Compliance Officer or their designee investigates the complaint in accordance with WWAARC's Policy 8.10 - Internal Investigations.

The Corporate Compliance Officer or their designee prepares a report to the WWAARC Board of Directors, or its authorized committee annually summarizing incidents reported, investigatory findings and any corrective actions taken.

The person who is the subject of the whistleblower complaint may not be present or participate in Board or committee deliberations or vote on the matter relating to the complaint (except that nothing prohibits the person from providing background information or answering questions before deliberations/voting begin).

## B. Protection from Retaliation/Intimidation

### 1. General Principles:

WWAARC does not threaten or impose any adverse employment action, including discharge, suspension, demotion, intimidation, harassment, discrimination, or any other adverse action as defined in Section 740 of New York Labor Law in retaliation to a covered party or former employee who discloses or threatens to disclose to any public body, as defined in Section 740 of New York Labor law, whether within the scope of their job duties. This includes employment action that adversely impacts a former employee's current or future employment. Specifically, no adverse employment action will be taken when a covered party or former employee discloses or threatens to disclose any violation of any aforementioned areas governed by WWAARC. This includes, but is not limited to, any activity, policy, or practice by WWAARC that the covered party reasonably believes presents a substantial and specific danger to public health or safety, constitutes improper quality of care to people receiving supports and services, or constitutes health care fraud.

The protections within this section apply when a covered party makes a good faith effort to notify WWAARC of any known or suspected violation(s) of the aforementioned areas governing the Agency. "Good faith" means the individual believes the potential violation occurred while reporting it. The covered party must adhere to the reporting procedures in this policy with the exception of circumstances where there is an imminent and serious danger to public health or safety, the covered party believes that reporting to the Agency would result in the destruction of evidence or concealment of the known/suspected violation(s), the known/suspected violation could reasonably be expected to lead to endangering the welfare of a minor or the physical harm to the covered party or any other person, or the covered party reasonably believes that the Agency is already aware of the known/suspected violation(s) and will not take corrective action.

A covered party may seek remedy for alleged retaliatory action for up to two years after the alleged retaliatory action occurred.

WWAARC prohibits adverse employment actions when employees object to or refuse to participate in any activity, policy, or practice in violation of a law, rule, or regulation. All covered parties are prohibited from engaging in any act, conduct or behavior which

results in, or is intended to result in retaliation or retribution against, or intimidation of, any individual for reporting their concerns relating to a possible violation of any aforementioned areas by which WWAARC is governed.

Further, WWAARC does not impose any disciplinary or other action in retaliation, including intimidation, harassment, and discrimination, against individuals who provide information or testify before any public body conducting an investigation, hearing, or inquiry into any violation of law, rule, or regulation by WWAARC.

This Policy's non-intimidation/non-retaliation provisions do not permit covered parties to avoid the consequences of their wrongdoing by reporting such wrongdoing. Disciplinary actions taken against a covered party who reports their own wrongdoing result from the wrongdoing itself, not the reporting of such wrongdoing and, therefore, are not considered acts of intimidation, retaliation, or retribution. However, self-reporting may be considered in determining the appropriate disciplinary action to be taken.

## 2. Reporting Complaints:

If a WWAARC covered party believes in good faith that they have been intimidated or retaliated against for initiating a report or complaint or for participating in any investigation, hearing, or inquiry related to such report or complaint, then the covered party should report the intimidation/retaliation to their supervisor, manager, the Compliance Officer or WWAARC's Compliance Hotline as soon as possible. The report should provide a thorough account of the incident(s); it should include names, dates of specific events (if available), names of any witnesses and the location or name of any document in support of the alleged retaliation.

WWAARC conducts a thorough and objective investigation of the incident(s).

Adverse actions in retaliation for a covered parties' report or complaint may result in discipline, up to and including termination.

## 3. Discipline:

Any disciplinary action for violation of the Corporate Compliance Plan, Code of Conduct, policies, and procedures or any of the laws, rules, or regulations by which WWAARC is governed are imposed under WWAARC's Policy 8.12 - Discipline and Incentive Program.

If a covered party makes a frivolous, malicious, or knowingly false report or complaint under this Policy, the covered party is subject to appropriate discipline, up to and including termination of employment and/or contract.