

**Warren Washington and Albany ARC  
Corporate Compliance Plan Acknowledgment Form  
Independent Contractor and Agents**

Warren Washington and Albany Counties ARC has developed a Corporate Compliance Plan that states that the organization and its employees, contractors and Board of Directors will adhere to applicable federal, state and local laws and regulations and internal policies and procedures.

Our Corporate Compliance Plan is a combination of policy and procedure that assists our organization to monitor, detect and correct actions that are not in compliance with applicable laws or our own policies and procedures.

As our agent, we expect that you will act in compliance with the laws that are applicable to our organization and to your organization and in compliance with our policies and procedures, particularly our Code of Conduct that sets forth the overarching principles for conducting our business with integrity based on sound ethical and legal standards.

As our agent, we also expect you to report any suspected or potential violations of law or our policies and procedures of which you become aware by contacting Daniel Murray, Executive Director at 518-793-4204, Cunene Hooper, Corporate Compliance Officer at 518-793-4204 or our Compliance Hotline 1-866-219-1122.

As our agent, we expect you to understand your role in the Corporate Compliance Plan of Warren Washington and Albany ARC and we expect you to review the policies and procedures that are applicable to you and your organization. You may contact the Executive Director or the Corporate Compliance Officer for any questions or clarifications of your responsibilities.

- I acknowledge that on behalf of myself and my organization that I have read and that I understand the Warren Washington and Albany ARC Code of Conduct and the policies and procedures of the Corporate Compliance Plan that are applicable to the services that are provided to Warren Washington and Albany ARC.
- I understand and agree that I and all those in my organization who provide services to Warren Washington and Albany ARC must comply with the Corporate Compliance Plan and the Code of Conduct and all laws, regulations, policies, procedures and other guidance applicable to the services that are provided to Warren Washington and Albany ARC.

- I agree on behalf of myself & my organization to fully cooperate with the implementation of the Corporate Compliance Plan, to participate in any auditing or monitoring processes & to report any instances of possible violations of law, regulations, or policies that are applicable to WWAARC of which I become aware.
- I acknowledge that Warren Washington and Albany ARC maintain a hotline for the purpose of receiving notifications of possible violations of law, regulation and the Corporate Compliance Plan.
- I understand that my failure to report any concerns regarding possible violations of law, regulations or the Corporate Compliance Plan may result in corrective action, up to and including termination of my agreement with Warren Washington and Albany ARC.

***By placing a checkmark  in the boxes I acknowledge that I have read and understand each statement.***

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

Please sign and return pages 1-2 to:

**Anne Marie Aussicker  
Executive Assistant  
WWAARC  
334 Krumkill Road  
Slingerlands, NY 12159  
[aaussicker@caparcny.org](mailto:aaussicker@caparcny.org)  
518-793-4204 Phone**

## **The Warren, Washington & Albany Counties ARC**

### **Code Of Conduct**

#### **Mission**

Warren, Washington & Albany Counties ARC (WWAARC) is respectfully committed to providing services, advocating for, and offering opportunities to people with intellectual or other developmental disabilities and their families; by supporting them in the realization of their fullest potential.

#### **Our Vision**

Our vision is to secure a future where all people with intellectual or other developmental disabilities are respected as full members of communities that embrace and celebrate the diversity of all people by connecting them with opportunity.

#### **Values**

We value the dreams, aspirations, and goals of persons with intellectual and developmental disabilities and their rights to a full, productive, and responsible role in society.

We value the rights of persons with intellectual and developmental disabilities to make their own choices.

We value diversity in membership and leadership.

We value the dedication and commitment of the staff who support people with intellectual and developmental disabilities.

We value being family-led and professionally managed.

#### **Commitment to the people we support**

We are committed to providing the highest quality of care, in a professional, caring, and compassionate manner. We are committed to fostering an environment whereby the people we support are encouraged to play a decision-making role at the Warren, Washington & Albany Counties ARC (WWAARC) and to become a contributor in their home and work environments.

#### **Commitment to staff**

Teamwork: To work together to do the job right the first time.

- Integrity:** To always be fair, honest, and trustworthy.
- Excellence:** To improve each day, and to strive for the highest level of quality in our performance.
- Respect:** To treat each person and their family with dignity and respect, and to listen.
- Stewardship:** To manage our resources responsibly.

### **Commitment to communities we serve**

We are committed to being a good corporate citizen and to support our employees and the people we support in the fulfillment of their civic duties and their pursuit of charitable endeavors.

### **Commitment to our third-party payers**

We are committed to working with our payers in a way that demonstrates our commitment to our contractual obligations and reflects our shared concerns for quality services in an efficient and effective manner. We encourage our payers to adopt their own set of ethical principles that recognize their obligations to the people we support, as well as the need for fairness between providers and payers.

### **Commitment to our Regulators**

We are committed to creating an environment in which compliance with applicable rules, laws and regulations is woven into the fabric of WWAARC. We accept responsibility to self-govern and monitor adherence to requirements of law and our Code of Conduct.

### **Commitment to our Suppliers**

We are committed to fair competition among existing and prospective suppliers. We encourage our suppliers to adopt their own set of standards and ethical practices.

### **Code of Conduct**

We believe that certain rules of conduct must be observed to promote a positive and ethical work environment and pledge to abide by the laws, regulations and policies and procedures, including, but not limited to those related to the Corporate Compliance Plan.

We also understand that, as people-working for and on behalf of WWAARC, we have the added responsibility of following specific rules of conduct, as described below:

- To work cooperatively and respectfully with all WWAARC employees, board members and agents to provide the highest quality of services;

- To place the interests of the people we support and their family members first and foremost in all aspects of what we do;
- To represent WWAARC positively in the community-at-large;
- To conduct all activities in a fiscally responsible manner;
- To work in accordance with applicable laws, regulations and WWAARC policies;
- To seek training and assistance in areas that would strengthen the ability to fulfill responsibilities to people we support and WWAARC;
- To avoid conflicts of interest, including the acceptance and giving of other than incidental tokens of appreciation;
- To conserve resources of WWAARC by not engaging in wasteful behavior;
- To respect the privacy of the people we support and fellow WWAARC employees by keeping private information confidential.
- To complete tasks in a timely manner and meet expectations for the quality of work that WWAARC strives to achieve;
- To bill people we support and third-party payers accurately;
- To report to a supervisor or to the Compliance Hotline any potential violation of applicable laws, regulations, and policies, including the Corporate Compliance Plan;
- To respect the role of the board and management and to fully implement their decisions; and
- To consult WWAARC leadership when questions arise as to the conduct permitted under applicable laws, regulations, and policies, including the Corporate Compliance Plan.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of rules of conduct that may result in disciplinary action, including suspension, demotion, or termination of employment:

- Abuse or neglect of the people we support.
- Engaging in criminal conduct whether or not related to job performance;
- Theft or misuse of any funds or property belonging to the agency, staff, or the people we support, including cash, vehicles, or personal possessions.
- Deliberate or careless damage of agency, staff, or individual property.
- Use, possession, sale, transfer, or distribution of unauthorized alcohol or illegal drugs on agency property, in agency residential homes on WWAARC Janitorial contract sites, remote work sites or while working for WWAARC
- Reporting to work while under the influence of alcohol or illegal drugs.
- Falsification of employment records, employment information, or other records
- Possession of firearms, explosives, fireworks, or weapons on agency property or on premises owned or occupied by WWAARC.
- The removal or borrowing of Agency property without prior authorization from the Executive Director or designee.

- Recording the work time of another employee, allowing any other employee to record your work time, or allowing falsification of any timesheet, whether your own or another employee's.
- Provoking a fight, fighting, or engaging in horse play while on Agency premises, on duty, or while conducting Agency business regardless of location (offsite).
- No-call, No-show – Not reporting to work as assigned.
- Insubordination, including but not limited to the failure or refusal to obey any legal written or verbal directive of the chain of support.
- The use of abusive or threatening language toward those we support, other employees, Agency volunteers, supervisor, members of administration, or others while on duty or conducting Agency business.
- Using profane or abusive language at any time during working hours or while on premises owned or occupied by WWAARC.
- Going "AWOL" – Failing to obtain permission from a member of the chain of support before leaving work for any reason during scheduled working hours.
- Poor or otherwise unacceptable work performance.
- Sleeping while scheduled to work, unless working a "sleep" shift.
- Excessive or inappropriate phone usage.
- The abuse of paid sick leave.
- Smoking in Agency vehicles or buildings owned or leased by WWAARC.
- Smoking/vaping in personally owned vehicles with any person supported by WWAARC or with any other employee of WWAARC.
- Working overtime without authorization or refusing to work assigned overtime.
- Violating any federal or state law or regulation or any policy or procedure of WWAARC.
- Violating any safety, health, or security policy, rule, or procedure of WWAARC.
- Gambling during scheduled working hours.
- Committing a fraudulent act or a breach of trust in any circumstances.
- Failure to sign a counseling memorandum.
- Failure to immediately (within 24 hours) notify WWAARC of an arrest.
- Dishonesty in interactions and/or investigations.
- Use of personal cell phone or any other device to video, photograph, record or otherwise violate confidentiality and HIPAA laws designed to protect the privacy of the people we support.

**You must immediately report any violation of the rules of conduct as described above to your supervisor.**

**WWAARC does not have a formal progressive discipline policy requiring a set number of warnings or counseling sessions. Instead, each situation is considered based on its own facts. In cases of misconduct or violation of WWAARC policy, immediate termination may be appropriate depending on the facts.**

## **Section 8: Corporate Compliance**

**Policy Number: 8.5**

**Board Approved: 10/23/2006**

**Revised Date: 8/19/2020**

### **Agency Policy: Exclusion Checks**

It is the policy of Warren, Washington & Albany Counties ARC (WWAARC) not to employ, contract with or otherwise do business with any individual or entity excluded from participation in federally sponsored health care programs, such as Medicare and Medicaid. To avoid affiliation with any such person or entity, WWAARC has established the procedures described below.

#### **Definitions:**

**Exclusion Check** – An Exclusion Check is a search of (1) the U.S. Department of Health and Human Services, Office of Inspector General (“OIG”)’s List of Excluded individuals/Entities (available on the OIG website at <http://oig.hhs.gov/fraud/exclusions.html>); (2) the General Service Administration (“GSA”)’s Excluded Parties list System (available on the GSA website at <http://www.epls.gov/>); and (3) the New York State Office of the Medicaid Inspector General list of Restricted, Terminated or Excluded Individuals or Entities (<http://www.omig.ny.gov/data/content/view/72/52/>) to determine if an individual or entity’s name appears on any of the lists. This check is performed by the Corporate Compliance Officer and maintained by the Human Resource Department prior to hire. The Corporate Compliance Staff maintains the databases used for exclusion checks through EPStaffCheck . Employees, physicians and other medical professionals and vendors doing business with the Agency are reviewed on a regularly scheduled basis for verification of excluded party status under the OIG, GSA SDN, and state programs, including EPLS, LEIE, OMIG, and others.

**Ineligible Person** – For purposes of this policy, an Ineligible Person is an individual or entity that is listed on the OIG’s List of Excluded Individuals/entities and/or GSA’s Excluded Parties List System.

#### **Procedure:**

##### **Employee Exclusion Check Procedures**

- An Exclusion Check will be performed for all applicants for employment at WWAARC as part of the employment background check as set forth in WWAARC’s Background Checks for Employees and Others.
- If the Exclusion Check indicates that any individual is an Ineligible Person, the individual cannot be employed by WWAARC.

- To protect WWAARC against individuals excluded subsequent to beginning their employment, an Exclusion Check will be performed on all employees at least monthly. If it is determined that a current employee is an Ineligible Person, WWAARC shall immediately terminate employment of the individual.
- Search results for Exclusion Checks must be documented and maintained by the Corporate Compliance Department in a separate, secured file.

#### **Vendor/Contractor Certification Procedures**

- Any vendor/contractor wishing to enter into a contract with WWAARC is required to certify in its contract that neither it nor any of its employees is an Ineligible Person. Such vendor/contractor certification shall be made on at least an annual basis.
- In addition, each vendor/contractor contract shall contain a provision requiring the vendor/contractor to maintain supporting documentation for its exclusion checks and to produce copies of such documentation to WWAARC upon request.
- To protect WWAARC against any vendor/contractor excluded subsequent to beginning their relationship with WWAARC, an Exclusion Check will be performed on vendors/contractors at least monthly. If it is determined that a current vendor/contractor is an Ineligible Person, WWAARC will immediately sever its business relationship with that vendor/contractor.

#### **Duty to Report**

All WWAARC employees, contractors and vendors have a duty to report any action that would render that individual or entity an Ineligible Person to the Compliance Officer or Corporate Compliance Hotline.

#### **Pending Actions**

If any WWAARC employee, contractor or vendor is charged with a criminal offense related to healthcare or is proposed to be subject to debarment or exclusion from federal programs the individual or entity must be removed from direct responsibility or involvement in any federally funded health care program while the matter is pending. If resolution of the matter results in conviction debarment or exclusion, WWAARC shall immediately terminate its employment or other contractual arrangement with the individual or entity.