Policy: It is the policy of The Arc of Monroe that business, administrative and support functions promote personal and organizational outcomes.

Additional Information: Each employee, former employee, officer, board member, volunteer, or contractor (“staff”) has a responsibility to report any activity by any employee, former employee, officer, board member, colleague, clinician, independent contractor, volunteer, student or intern that appears to be illegal, fraudulent, or in violation of any:

- Federal, state or local statute or ordinance
- Executive order
- Rule or regulation promulgated pursuant to the above
- Judicial or administrative decision, ruling or orders; OR
- Activity, policy or practice of The Arc of Monroe.

We encourage a culture in which all individuals feel free to report behaviors or actions which they believe should be reported in good faith.

The Arc has an open door policy. Reports may be made anonymously or confidentially without fear of retaliation or retribution, regardless of whom they are reported to. The Arc will take all necessary steps, to the extent possible within the law, to preserve the confidentiality of the whistleblower’s identity.

Federal and state regulations make it a crime to intimidate, discharge, demote, suspend, threaten, harass, or in any other manner discriminate or take retaliatory action against an employee, former employee, officer, board member, volunteer, or contractor, whether or not it is within the scope of the staff’s job duties, who in good faith has:

- Reported something they reasonably believe is really happening to any appropriate parties or officials
- Investigated, participated in or cooperated with an agency investigation
- Conducted audits, self-evaluations, or remedial actions – regardless of the findings

“Retaliatory action” is defined as an adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his/her/their rights under NYS LL 740, including:

- adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment including but not limited to discharge, suspension, or demotion;
The Arc of Monroe

- (ii) actions or threats to take such actions that would adversely impact a former employee's current or future employment; or
- (iii) threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee's suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee's family or household member, as defined in subdivision 2 of section 459-a of the social services law, to a federal, state, or local agency.

In addition to reporting internally, staff has the right to report their concerns to any government (public) entity or agency including, but not limited to: NYS OMIG, NYS AG, MFCU, DOH, OPWDD, DOL, OIG, or the US Attorney’s office.

The protections from retaliatory action will not apply to an employee who reports their concerns to any government (public) entity or agency unless the staff person made a good faith effort to bring their concerns first to The Arc and has afforded The Arc a reasonable opportunity to correct the activity, policy or practice. The following exceptions apply to this:

- (a) There is an imminent and serious danger to the public health or safety;
- (b) The employee reasonably believes that reporting to the supervisor (THE ARC?) would result in a destruction of evidence or other concealment of the activity, policy or practice;
- (c) Such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
- (d) The employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
- (e) The employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.

For the purposes of this policy, “good faith” means that the person reporting the concern believes it to be true and accurate, to the best of their knowledge.

Please cross reference the policy, “Non-compliance detection and response, and confidential communications” for additional information and guidance on how to report concerns.

| Procedure |
|---|---|
| **Task:** | **Responsible party:** |
| **General Guidelines:** | |
| 1. All staff have an obligation to refuse to participate in any wrongful course of action and to report any such actions observed, witnessed, or discovered. This includes illegal or non-compliant activity, or activity that is contrary to agency policy or its code of conduct. | Staff |
| 2. Concerns may be shared with one’s supervisor or any agency director, senior director, vice presidents, the VP for Quality and Compliance, CEO, COO, CFO, CHRO, CGO consistent with existing policy. | All staff |
| 3. Concerns may also be reported to any government (public) agency or entity as noted above. | All staff |
4. Except as indicated above, staff is protected from intimidation or retaliation if, in good faith, they:
   * Report something they reasonably believe is really happening to any appropriate parties or officials
   * Investigate, participate in or cooperate with an agency investigation
   * Conduct audits, self-evaluations, or remedial actions – regardless of the findings

   This includes between coworkers.

5. If intimidation or retaliation is proven, disciplinary actions up to and including termination of employment will result.

6. If a staff person reports illegal or non-compliant behavior that they were a part of, they may receive discipline for their participation in the behavior but not for reporting the concern.

7. Making a false report with the purpose of harming, intimidating or retaliating against a colleague (as in a quid pro quo) will not be tolerated. If proven, the person(s) responsible will be subject to disciplinary actions up to and including termination of employment.

8. Employees, board members, volunteers and contractors shall sign this policy within the first 30 days with the agency.

Manager Responsibilities:

1. Managers have a responsibility to support, within their programs and the agency as a whole, a culture of openness and safety where staff can raise concerns without perceived fear of retaliation or intimidation.

2. Managers are obligated to actively respond to reported concerns, including any that allege retaliation or intimidation as defined in this policy, seeking support from HR, their leadership or the VP for Quality and Compliance as appropriate.

VP for Quality and Compliance:

1. The VP for Quality and Compliance acts as the agency’s Compliance Officer, as required by NYS law.

2. Has primary responsibility for administering the agency’s compliance program, and related policies and procedures.

3. Acts as a resource for agency staff, managers, and leadership, supporting an environment and culture conducive to staff feeling free to report concerns.

Document revision record:

<table>
<thead>
<tr>
<th>Revision Date</th>
<th>Release Date</th>
<th>Reason for change</th>
<th>Approver</th>
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<tbody>
<tr>
<td>2/11/20</td>
<td>2/11/20</td>
<td>Transferred to new procedural format and updated titles</td>
<td>VPQC</td>
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<tr>
<td>9/29/21</td>
<td>10/8/21</td>
<td>Specifically stated that complaints can be made to any government entity; added “in good faith” to additional information</td>
<td>ICC</td>
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<tr>
<td>2/3/22</td>
<td>3/4/22</td>
<td>Added recent revisions to NYS Labor Law 740</td>
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