

CHARLES EVANS CENTER, INC.
POLICY AND PROCEDURE MANUAL

SUBJECT: Non-Retaliation, Non-Intimidation for Participation in the Compliance Program	POLICY: Compliance Program-10
Effective: 4/2015	Revised: 12/2023
Administrative Approved by Executive Director, James Dolan, Jr, DSW, LCSW on 12/2023	Board of Directors Approved by Stefania Medvedik RD, RN, CDE 12/2023

I. POLICY

The purpose of this Policy is to ensure that all personnel understand CEC Health Care (“Agency”) commitment to prohibiting intimidation, retaliation, harassment and discrimination for “good faith participation in the Compliance Program” (as defined below).

Intimidation or retaliatory action in any form by any individual associated with Agency is strictly prohibited and is itself a serious violation of the Code of Conduct and this Policy. This includes, but is not limited to, any adverse employment action and any other negative treatment, resulting from good faith participation in the Compliance Program.

II. PARTICIPATION IN THE COMPLIANCE PROGRAM

“Good faith participation in the Compliance Program” includes, but is not limited to:

- reporting actual or potential issues or concerns, including but not limited to, any action or suspected action taken by or within Agency that is illegal, fraudulent or in violation of any adopted Agency policy to appropriate personnel (as indicated below);
- cooperating with or participating in the investigation of potential compliance issues;
- assisting with or participating in self-evaluations, audits, and/or implementation of remedial actions;
- reporting instances or intimidation or retaliation; or
- reporting potential fraud, waste or abuse to the appropriate State or Federal entities, including the appropriate regulatory officials as provided in New York Labor Law §§ 740 and 741.¹

III. REPORTING AND CONFIDENTIALITY

As required by Agency’s Compliance Program, all Affected Individuals are expected to report suspected misconduct or possible violations of the Compliance Program to the Compliance Officer, at the phone number or e-mail address below. Affected Individuals may also report compliance issues or concerns to the Compliance Hotline at (855) 271-0732 or <https://cec.ethicaladvocate.com/>. Affected Individuals may report compliance issues or concerns anonymously, if they choose by way of the Compliance Hotline.

¹ For a brief summary of New York Labor Law §§ 740-741, as of February 2023, please see the appendix to this Policy.

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If you report compliance issues, your identity will be kept confidential, whether requested or not, unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by, MFCU, OMIG or law enforcement, or disclosure is required during a legal proceeding.

Compliance Program Contact Information	
<u>Compliance Officer:</u> Anne Marie Phillips	Ph: (516) 622-8888 Extension 4219 Email: phillipsa@charlesevanscenter.org
<u>Compliance Hotline</u>	Ph: (855) 271-0732 -or Website: https://cec.ethicaladvocate.com

IV. PROCEDURE

A. Investigation of Intimidation / Retaliation Complaints

- All allegations of intimidation or retaliation for good faith participation in the Compliance Program will be promptly investigated. The Compliance Officer, or designee, will oversee the investigation and take all necessary and appropriate actions. The Compliance Officer, or designee, will be assisted by internal staff and/or may solicit the support of external resources (including counsel), as necessary and appropriate.
- All individuals who may have relevant information will be promptly interviewed. At the outset of the interview process, the interviewee will be reminded that retaliation and intimidation is unlawful and a violation of Agency's Code of Conduct. The interviewee will also be reminded of Agency's disciplinary policy regarding failure to cooperate (See the "Protocols for Investigations and Implementing Corrective Action, Including Discipline").
- All documentation related to the investigation will be kept secured in a central location under the control of the Compliance Officer or designee. Such investigative files will be kept separate from personnel files.
- If the Compliance Officer determines that an individual was improperly intimidated or retaliated against for good faith participation in the Compliance Program, Agency will, in accordance with Agency's Compliance Program, take all appropriate corrective action as to the individual who was intimidated or retaliated against.
- In addition, if the Compliance Officer determines that an individual was intimidated or retaliated against for good faith participation in the Compliance Program, appropriate disciplinary action will be taken against the offending person, in accordance with Agency's Compliance Program.

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- Agency may terminate contracts and affiliations as a result of retaliation or intimidation.

B. Reporting to the Board of Directors

The Compliance Officer will advise the Board of Directors regarding any alleged acts of retaliation or intimidation in violation of this Policy on an on-going