

Otsego County Chapter NYSARC, Inc.

I. POLICY TYPE: COMMITMENT TO CORPORATE COMPLIANCE
POLICY TITLE: 16. Whistleblower
REFERENCE: I.4. False Claims; IV. COMPLIANCE COMMUNICATION; VII. COMPLIANCE DISCIPLINARY GUIDELINES
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

Adopted 12/18/08; revised 3/20/14; 1/4/17; 6/16/2022; 6/24/2026

It is the policy of this Chapter to require all employees, directors, officers, volunteers, and independent contractors to promptly report any known or suspected violations 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 this Chapter is governed. This policy seeks to ensure that this Chapter 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. This policy applies and is distributed to all covered parties of the Chapter. Distribution is satisfied by posting this policy to The Arc Otsego's website as well as on The Arc Otsego's Intranet.

Accordingly:

1. All covered parties are required to report any known or suspected misconduct, including actual or potential violations of the Corporate Compliance Plan, the 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 The Arc Otsego is governed.
2. The "open-door" policy is maintained at all levels of management to encourage covered parties to report problems and concerns. Covered parties are encouraged to follow the general lines of communication when reporting concerns, however, all employees can report concerns or questions regarding the Corporate Compliance plan, including known or suspected misconduct, actual or potential violations of policies/procedures or the Code of Conduct to the Chief Compliance and Quality Officer.
3. Confidentiality is maintained to the extent that is practical and allowable by law. Covered parties should be aware that The Arc Otsego is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. The Arc Otsego will not threaten or impose any adverse employment action, including discharge, suspension, demotion, intimidation, harassment, discrimination, or any other adverse action in retaliation to a covered party who discloses or threatens to disclose to any public body as defined in Section 740 of NY 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 The Arc Otsego. This includes, but is not limited to, any activity, policy, or practice by The Arc Otsego 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 The Arc Otsego of any known or suspected violation(s) of the aforementioned areas governing the Chapter.
5. A covered party may seek remedy for alleged retaliatory action for up to two years after the alleged retaliatory action occurred.
6. The Arc Otsego 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 The Arc Otsego is governed.

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7. The Arc Otsego 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 The Arc Otsego.
8. Covered parties cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action. 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.
9. The Arc Otsego prohibits its covered parties from engaging in any act, conduct or behavior which results in, or is intended to result in, retaliation against any director, officer, employee or volunteer for reporting his or her concerns. Retaliation is defined as "intimidation, harassment, discrimination, or employment consequences". If covered party believes in good faith that they have been retaliated against for reporting a compliance complaint or concern, or for participating in any investigation, hearing or inquiry related to such a report or complaint, the covered party should immediately report the retaliation to the Chief Compliance and Quality Officer or the Compliance Hotline. The report should include a thorough account of the incident and should include the names, dates and specific events, the names of any witnesses and the location or name of any document that supports the alleged retaliation. Additionally, knowledge of a violation or potential violation of this policy must be reported directly to the Chief Compliance and Quality Officer or the Compliance Hotline.
10. The Chief Compliance and Quality Officer is designated as the whistleblower policy administrator and is required to report directly to the board of directors. Directors who are employees cannot participate in any board or committee deliberations or voting relative to administering the whistleblower policy.
11. The person who is 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).