

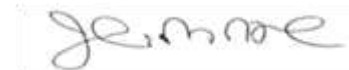


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POLICY STATEMENT

Topic: Discipline and Incentive Program Date Effective: 7/1/2019

Revised New Section: Corporate Compliance Number: 10.16

Date: 3/13/2023 Approved by: 

POLICY

The Arc Mid-Hudson (“Arc Mid-Hudson”) is committed to creating and fostering a culture in which compliant behavior is encouraged and rewarded so that when instances of noncompliant behavior occur, the agency can respond swiftly and seriously. All persons who are affected by Arc Mid-Hudson’s risk areas, including employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers who, upon investigation, are found to have committed violations of applicable laws and regulations, the Corporate Compliance Plan, the Code of Conduct or the policies and procedures of Arc Mid-Hudson will be subject to appropriate disciplinary action, up to and including termination.

SCOPE

This policy applies to all persons who are affected by Arc Mid-Hudson’s risk areas including, employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers of Arc Mid-Hudson. Disciplinary actions applicable to the Board of Directors will be handled in accordance with the Board’s Bylaws.

VIOLATIONS RESULTING IN DISCIPLINARY ACTION

Examples of when disciplinary actions may be taken include: (a) authorization of or participation in actions that violate law, regulations or the Corporate Compliance Plan, including the Code of Conduct and all related policies and procedures; (b) failure to report any suspected or actual violation committed by a peer, subordinate or other person; (c) failure to cooperate in an investigation; (d) retaliation against an individual for reporting a possible violation; or (e) failure to act as an honest, reliable and trustworthy service provider.

DETERMINING APPROPRIATE DISCIPLINARY ACTION

Factors that Arc Mid-Hudson may consider in determining the level of disciplinary action to be taken include whether: (a) the violation was committed knowingly; (b) the affected individual lied or

was otherwise dishonest during the investigation; (c) there was a pattern of misconduct; (d) the affected individual attempted to cover up the violation; (e) the violation involved retaliation against other persons who reported violations in good faith; (f) the affected individual deliberately failed to check whether a particular course of action was prohibited; (g) the violation was criminal in nature; (h) the affected individual cooperated with the investigation of the violation; (i) the affected individual received personal benefit; (j) the affected individual voluntarily reported the violation; (k) a person we support was or could have been harmed as a result of the violation and (l) the seriousness of the damage caused by the violation.

The Arc Mid-Hudson shall apply progressive discipline consistent with the violation. Examples of disciplinary action that may be taken in accordance with the nature and scope of the infraction include, but are not limited to: (a) retraining, verbal counseling or warning; (b) counseling with a written warning; (c) reassignment/demotion; (d) suspension with or without pay; and (e) termination (of employment or of an arrangement with a contractor). The Arc Mid-Hudson may wish or depending of the circumstances may be required to report the employee, independent contractor, or other affected individual to the appropriate federal or state regulatory agency for civil and/or criminal prosecution.

The Director of Quality Management/Corporate Compliance or Compliance Officer and/or Chief Human Resources Officer or designee shall consult with the Corporate Compliance Committee, the Chief Executive Officer and Chief of Legal Affairs or independent counsel, as needed or appropriate, to determine the appropriate response to a violation, including those by an independent contractor.

SIMILAR DISCIPLINARY ACTION FOR SIMILAR OFFENSES

Throughout the process of determining the appropriate disciplinary action to be taken in each instance of non-compliance, the Chief Human Resources Officer or designee will be responsible for ensuring that the disciplinary action to be taken is consistent with that taken in similar instances of non-compliance.

COLLABORATION BETWEEN THE CORPORATE COMPLIANCE DEPARTMENT AND HUMAN RESOURCES

To the extent possible, disciplinary action shall be taken in compliance with Arc Mid-Hudson's Employee Handbook and related policies. In addition, when the conduct is related to a serious violation of compliance standards, the Chief Human Resources Officer, the Director of Quality Management/Corporate Compliance, Compliance Officer and the appropriate supervisor/manager will meet to discuss any appropriate disciplinary actions. The Chief Human Resources Officer and the Director of Quality Management/Corporate Compliance, Compliance Officer shall have the discretion to recommend a disciplinary process other than the normal procedure. In the event that a consensus cannot be reached with respect to disciplinary action, or there is a dispute over recommended disciplinary action, the Chief Executive Officer, or a designee, shall make the final decision.

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The Chief Human Resources Officer or designee will consult with the Director of Quality Management/Corporate Compliance and Compliance Officer on all matters related to the implementation of an effective Compliance Program. The Chief Human Resources Officer or designee is responsible to report to the Director of Quality Management/Corporate Compliance and Compliance Officer those disciplinary actions taken as a result of violations of the Corporate Compliance Plan.

CONTRACTORS, AGENTS, SUBCONTRACTORS, INDEPENDENT CONTRACTORS, AND CORPORATE OFFICERS

The Director of Quality Management and Corporate Compliance Officer shall serve as a liaison with Arc Mid-Hudson’s representative who is responsible for the engagement with an affected individual who has committed a violation or potentially commits a violation as described in this policy. The agency representative is responsible to report to the Director of Quality Management and Corporate Compliance and Corporate Compliance Officer when an independent contractor, contractor, sub contractor, agent, or corporate officer commits a violation or potentially commits a violation. The agency representative is also responsible to provide information regarding the outcome of any related investigation and follow-up measures that were taken.

REPORTS TO THE BOARD

When a determination is made that a compliance violation has occurred, the Corporate Compliance Officer will notify Arc Mid-Hudson’s Chief Executive Officer and the individual’s supervisor or employee who is responsible for the person or entity under contract with the agency. If appropriate, the Corporate Compliance Officer may wish to notify the Board of Directors or the Corporate Compliance Committee before the next regularly scheduled meeting when a full report would otherwise be presented and, as necessary, consult with the Committee prior to the determination of disciplinary action.

DOCUMENTATION OF DISCIPLINARY ACTION

Documentation of disciplinary measures for violations will be retained in the subject employee’s personnel file (or in the affected individual’s general file) maintained by the Human Resources Department and will be considered during regular and promotional evaluations, and contract renewals.

The Compliance Officer will maintain records of all disciplinary actions, including verbal warnings, taken for compliance violations along with the nature of the violation and will reference these records as necessary to ensure consistency in application.

INCENTIVE PROGRAMS FOR COMPLIANT BEHAVIOR

As part of the agency’s commitment to recognize those who are exemplary in compliance with Arc Mid-Hudson’s Corporate Compliance Plan, the following incentives may be used to encourage and reward employee and independent contractor behavior:

- ✓ Staff appreciation and recognition programs for meeting goals and objectives;
- ✓ Situation-specific recognition of staff contributions or assistance, including special awards;

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- ✓ Handwritten notes of appreciation from supervisors, managers and/or the Director of Quality Management/Corporate Compliance or designee;
- ✓ Public recognition in the agency newsletter or community newspaper;
- ✓ Celebration of successes (e.g., a great audit);
- ✓ Performance reviews and positive feedback;
- ✓ Continuing education opportunities;
- ✓ Opportunities for career advancement;
- ✓ Serving as a verification of good services provided by a service provider; and continued use of a contractor's services

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