



Non-Retaliation/Non-Intimidation Policy

POLICY:

VillageCare prohibits retaliatory action for reporting or inquiring about alleged improper or wrongful activity. Through the Corporate Compliance Program, VillageCare provides an effective process for employees to raise issues, concerns and opinions without fear of retaliation or reprisal. Such improper or wrongful activity may include, but is not limited to, discrimination, harassment, fraud, unethical or unprofessional conduct, non-compliance with VillageCare policies, circumstances of imminent danger to other employees or patients, public health or safety concerns, violations of local, state or federal laws and regulations, and other illegal or improper practices. Timely disclosure of such concerns prohibits retribution or retaliation against any employee, who in good faith, reports such concerns.

DEFINITIONS:

EMPLOYEE: An individual, or independent contractor who performs or has previously performed services for and under the control and direction of an employer for wages or other remuneration.

INDEPENDENT CONTRACTOR: A person who carries out or works in furtherance of an employer's business enterprise and who are not themselves employers.

PROCEDURE:

All managers are instructed to assure their staff of this policy and encourage the reporting of potential or alleged improper or wrongful activity, and that employees will not be retaliated against for making such reports in good faith.

The following actions are required by all VillageCare managers and leaders:

- Employees will receive a copy of the policy annually thereafter as a part of annual mandatory compliance training.
- Management will meet with their direct reports to discuss this policy, including proper treatment of employees who report such activity, and how to create a work environment that fosters open communication.
- The policy shall also be provided to all new hires at the time of orientation. All new employees will be asked to sign a certification form acknowledging receipt of the policy which will be maintained by the Human Resources department in the employees' files.

Every employee must understand that retaliation in response to a good faith report of a problem or concern is not tolerated under this policy. Reports of retaliation will be investigated thoroughly and expeditiously, with appropriate disciplinary action taken, up to and including termination of employment.

RESPONSIBILITY:



A. EMPLOYEES

- 1) Employees are required to report any alleged or potential improper or wrongful activity including violations of the VillageCare Code of Conduct.
- 2) Concerns regarding any issue should be addressed by VillageCare management preferably via (a) an immediate supervisor, (b) the department manager, (c) the department or program administrator, or (d) another senior administrator of the organization.
- 3) If for any reason, an employee feels constrained or uncomfortable following the order of reporting as set forth above, the employee should address his or her concern to the Human Resources Department.
- 4) If an employee's concern or reportable wrongful activity or misconduct cannot be satisfactorily resolved through the methods described above, the employee should address the concern with the Chief Compliance Officer, either directly at 212-337-5760 or DaraQ@VillageCare.org or calling the confidential 24/7 toll free Compliance Hotline at 1-844-348-2664.

B. DEPARTMENT HEADS/MANAGERS

1. It is the responsibility of management to promote an "open door policy" to encourage employees to report issues and concerns at all times.
2. Department Heads/Managers shall be receptive to employee concerns, problems and opinions and explore with the employee suggestions for resolving the issue.
3. Department Heads/Managers shall inform the Human Resources of concerns and issues raised by employees that indicate a system or pattern of problem.
4. Department Heads/Managers shall inform the Chief Compliance Officer of concerns and issues raised by employees that indicate a system or pattern of problems, particularly those that involve legal or fraud and abuse issues.
5. Department Heads/Managers shall maintain the confidentiality of employee concerns and problems at all times, insofar as legal and practical, informing only those personnel who have a need to know.

C. HUMAN RESOURCES

1. Human Resources department shall provide assistance and guidance to supervisors, managers and department heads for receiving and resolving employee concerns, issues and opinions.
2. The Director of Human Resources and her/his designee shall keep administration informed of concerns and problems raised by employees.
3. Depending on the nature of the issue or report, the Chief Compliance Officer and/or General Counsel may need to be notified prior to the beginning of an investigation.



4. When the Chief Compliance Officer is involved, Human Resources shall assist with the investigation. If a resolution can be reached, the Chief Compliance Officer and the Director of Human Resources, shall promptly inform the employee of the results of the investigation and the resolution, if possible.
5. The Director of Human Resources and her/his designees shall ensure the confidentiality of the employee raising the concerns and problems at all times, to the extent legal and practical, informing only those personnel who need to know about the concern or problem. The Director of Human Resources shall ensure that all new employees have certified that they have read and understand the non-retaliation policy. This shall occur at all new employee orientation sessions as well as during the annual competency training.

RELATED POLICIES, PROCEDURES AND REGULATIONS

Section 6032 of the Deficit Reduction Act (DRA) established section 1902(a)(68) of the Social Security Act.

VillageCare Policy Compliance and Fraud Waste and Abuse, DRA Compliance