



Policy and Procedure: *Corporate Compliance*
Topic: *Enforcement of Compliance Standards*

Purpose:

Choice of NY (sometimes referred to as “Agency” or “the Agency”) is committed to conducting its business ethically and in conformance with all Federal and State laws, regulations, interpretations thereof, and the Agency’s Code of Conduct. To support this commitment, **Choice of NY** has developed procedures for disciplinary actions to be taken for violations of the Compliance Program and/or Code of Conduct by employees and/or independent contractors.

Policy:

1. Employees and independent contractors who, upon investigation, are found to have committed violations of applicable laws and regulations, the Compliance Program, the Code of Conduct, or the Agency’s policies and procedures will be subject to appropriate disciplinary action, up to and including termination.
2. The following actions may result in disciplinary action:
 - Authorization of or participation in actions that violate the law, regulations, and Compliance Program, including the Code of Conduct, and all related policies and procedures;
 - Failure to comply with Agency’s policies governing the prevention, detection, or reporting of fraud and abuse;
 - Failure to report a violation by a peer or subordinate;
 - Failure to cooperate in an investigation;
 - Retaliation against an individual for reporting a possible violation or participating in an investigation; and
 - Failure to act as an honest, reliable, and trustworthy service provider.
3. Discipline will be appropriately documented in the disciplined employee’s personnel file (or in the independent contractor’s file), along with a written statement of reason(s) for imposing such discipline. Such documentation will be considered during regular and promotional evaluations.

4. The Compliance Officer and Director of Human Resources will be responsible for assuring that disciplinary actions related to non-compliance with the law, regulations, and Compliance Program, including the Code of Conduct, are consistent with actions taken in similar instances of non-compliance.

Procedures:

1. The Agency shall apply progressive discipline consistent with the violation. Examples of the disciplinary action that may be taken in accordance with the nature and scope of the infraction include but are not limited to: (a) verbal counseling or warning; (b) counseling with written warning; (c) retraining; (d) reassignment or demotion; (e) suspension without pay; and (f) termination of employment (or arrangement with an independent contractor).
2. To the extent possible, disciplinary action will be taken in accordance with the Agency's Human Resource Manual.
3. When the determination is made that a compliance violation has occurred, the Compliance Officer will notify the CEO/Executive Director and the individual's supervisor or representative for independent contractors. If appropriate, the Compliance Officer may notify the Board or the Compliance Committee before the next regularly scheduled meeting when a full report of compliance-related disciplinary actions would normally be presented.
4. The Compliance Officer and Director of Human Resources shall work in collaboration with the appropriate supervisor/manager in determining disciplinary action related to an instance of non-compliance. The Compliance Officer shall have the discretion to recommend a disciplinary process other than the normal procedure.
5. The Compliance Officer and/or Director of Human Resources shall consult with the Compliance Committee, the CEO/Executive Director, and Inside or Outside Legal Counsel, as necessary to determine the appropriate disciplinary action to be taken.
6. The Director of Human Resources is responsible for reporting disciplinary actions taken as a result of violations of **Choice of NY's** Code of Conduct and/or Compliance Program to the Compliance Officer.
7. The Compliance Officer will maintain a written record of disciplinary actions, including verbal warnings, and will reference these records when necessary to ensure consistency in application of disciplinary measures.
8. The Compliance Officer shall maintain a record of all disciplinary actions, including verbal warnings, related to compliance violations and report regularly to the Compliance Committee and not less than annually to the Board of Directors, regarding such actions.

9. The Compliance Officer will reference the record of disciplinary actions as necessary to ensure consistency in the application of disciplinary measures related to compliance violations.