

VOLUNTEERS OF AMERICA – GREATER NEW YORK

Code of Conduct: Organization Compliance Plan

Revised: May 24, 2016

I. PURPOSE

The Code of Conduct (“The Code”), which serves as Volunteers of America-Greater New York, Inc.’s Compliance Plan, is designed to protect Volunteers of America’s clients and employees, safeguard the organization’s reputation and standing in the community, and ensure compliance with the laws, regulations and policies that govern ethical conduct and the program services we provide. Volunteers of America’s Mission and Statement of Shared Values form the fundamental basis for ethical behavior, operations and decision-making involving clients, co-workers, volunteers, officers, Board members, funders, and the communities we serve. The Code of Conduct works in conjunction with policies and procedures adopted by the Board of Directors, the Employee Handbook and the Operations Manual, as these may be modified from time to time. Addendum may be added to the Code and become a part of the Code of Conduct.

II. POLICY

Volunteers of America aspires to ensure the highest level of personal and professional ethics. The organization follows the laws and regulations which apply to the conduct of its business, workplace, and program services. Staff members are expected to be familiar with the laws that affect their work, abide by the letter and spirit of applicable laws, alert the organization if there is any violation of the legal requirements and act in a manner that reflects well upon the organization. Employees must refrain from acts which might be considered unethical, might constitute misconduct or may be illegal. In the event that Volunteers of America believes that any unethical or illegal action has taken place, it will investigate the matter fully and take action to correct any violations and prevent any further violations.

The Vice President of Human Resources acts as Volunteers of America’s Compliance Officer; and the Director of Performance Improvement, HIPAA and Privacy Officer acts as its Officer on HIPAA and related matters. A Compliance Monitoring Committee consisting of senior managers shares responsibility in implementation and monitoring of the Code of Conduct and related compliance issues and policies. The committee provides recommendations to senior management who has responsibility in ensuring that contractual obligations are met.

The Code mandates that everyone adheres to these important standards of conduct:

- Comply with all laws and regulations;
- Follow all policies and procedures, especially those found in the: (1) Employee Handbook, and (2) Operations Manual;
- Adhere to the organization's nine Shared Values, which include: (1) Service; (2) Professionalism; (3) Quality; (4) Communications & Teamwork; (5) Integrity; (6) Diversity; (7) Humor; (8) Creativity; and (9) spirituality.
- Keep accurate records;
- Be truthful;
- Behave ethically and without conflict of interest or possible violations; and
- Report possible violations through established organization forums.

The Code, and related organization procedures, may impose requirements that are in addition to those mandated by law. This reflects our goal of conducting ourselves with the highest level of integrity. Anyone who has questions regarding legal and ethical obligations related to their work should consult with their supervisor, the Compliance Officer, or a member of the Compliance Committee for clarification.

The Deficit Reduction Act (DRA) requires that health care providers who receive more than \$5,000,000 in Medicaid revenues provide employees with a summary of relevant federal and state false claims laws and whistleblower provisions under such laws. *These laws are shown in Appendix A. Further details may also be found in the Operations Manual.*

The following list addresses important principles relating to several key areas covered by the Code. This statement is not intended to be all-inclusive, but rather is a summary of general obligations arising in key areas of our operations:

1. Antitrust and Unfair Competition

Not-for-profit human services organizations are subject to antitrust laws, which prohibit unfair methods of competition and agreements in restraint of trade, such as price-fixing agreements and boycotts. Penalties for antitrust violations are severe and may be imposed against individuals. Violations of antitrust laws may arise out of relationships with competitors, which for Volunteers of America may be other human services organizations. To avoid potential problems, employees should not discuss or otherwise communicate with competitors about business practices such as marketing, circumstances under which business is conducted with suppliers, insurers, funders, costs or pricing information, division of clients based on geographic areas, or future business plans of the organization. Except when participating in a survey project administered by a non-competitor independent entity which is compiling data on established salary and benefit

levels, employees should also refrain from discussing salary or benefit information with competitors.

Activities of Volunteers of America personnel in professional or trade associations also may be subject to antitrust scrutiny. It is permissible to discuss proposed legislation or regulations if it is for the purpose of developing the association position. However, if participants at an association meeting stray into areas of discussion that seem to violate antitrust laws, an employee should stop such discussion or leave the meeting.

2. Billing for Volunteers of America Services

No one acting on behalf of Volunteers of America may intentionally falsify a claim to a funder or third party payer for services rendered. Billing errors may expose Volunteers of America and the individuals involved to substantial civil and criminal liability. Negligently prepared bills tarnish Volunteers of America's reputation. Anyone who provides billing information to Volunteers of America, and all employees who perform tasks in connection with preparing or submitting billing statements on behalf of the organization, are required to become familiar with and abide by all applicable laws, regulations, rules and policies. Employees must use their best efforts to prevent and report errors or improprieties regarding billing to their supervisor or a member of the Compliance Committee.

3. Confidentiality and Safeguarding of Information

Everyone must observe confidentiality in the safeguarding of all personal information pertaining to clients, clients' families, and co-workers. Access to information regarding individuals is limited to those persons with a valid need for the information but, except as required by law, personal information may not be released to others without the written approval of the client or the employee. Reading or discussion of a client or employee record for other than direct job-related reasons is prohibited. Client and personnel files are kept locked when not under the direct supervision of the employee charged with their maintenance.

Staff members are prohibited from witnessing legal documents that pertain to clients, including power of attorney and guardianship. Clients requiring such services will be referred to the appropriate legal services.

The Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") requires the organization to adhere to certain rules when using and disclosing the "protected health information" of clients and employees. This includes oral, written and electronic information that is:

- Created by a health plan, health care provider, or a health care clearinghouse;
- Relates to an individual's physical or mental health, the provision of health care to an individual, or the payment for the provision of health care to the individual; and
- Identifies, or could be reasonably expected to be used to identify an individual.

Special confidentiality rules also apply to medical information pertaining to HIV/AIDS, mental health data and substance abuse records. Separate HIPAA policies regarding the release of records are also available.

Any employee or agent who engages in unauthorized access to or disclosure of information in violation of the privacy rights of our clients and employees may be subject to corrective action, up to and including termination of employment. This is in addition to possible civil or criminal sanctions.

Many of Volunteers of America's records serve as a basis for treatment decisions for clients or as documentation for billing purposes. Consequently, the creation of accurate, timely, and complete records is everyone's responsibility. Volunteers of America is required to maintain certain types of client, employee, medical and business documents for specified periods of time under federal, state and local law. Employees are expected to be aware of and comply with the records retention and destruction schedules for their respective areas of responsibility.

Computers and related electronic systems are to be used for business related purposes only. Staff members are responsible for safeguarding information when using computer equipment. Employees must use passwords to protect records and are not permitted to release such passwords to unauthorized staff.

Volunteers of America's business information also must be safeguarded. An employee may not use this business information for the individual's benefit or the benefit of others during the individual's employment or thereafter. This information includes the organization's methods, processes, techniques, computer software or passwords, copyrights, research data, clinical and pharmacological data, employee data, client lists, financial data, plans, or other information in possession of Volunteers of America which has not been published or disclosed to the general public.

4. Conflicts of Interest

No employee may use his or her position to secure privileges or advantages for self, relatives or friends. Employees may not maintain interests outside their employment which would reasonably conflict, or give the appearance

of conflicting, with the interests of Volunteers of America, or which would impair their ability to perform their job ethically and fairly.

Personal relationships with, or financial involvement or ownership of a substantial interest in any organization that does business with Volunteers of America, must be disclosed and approved in accordance with the Volunteers of America Conflict of Interest policy. Further details about this policy and related procedures are identified further in the Employee Handbook and Operations Manual.

5. Equal Opportunity and Employment

Volunteers of America affirms its moral and legal commitment to the achievement of equal opportunity for employment and advancement on the basis of ability without regard to race, creed, color, religion, sex, age, national origin or ancestry, disability of qualified persons, marital status, sexual orientation or affectional preference, or citizenship. The organization provides equal opportunity in recruitment, hiring, training, promotion, transfers, compensation, benefits, and in all personnel actions.

Each person has the right to work in a professional atmosphere that promotes equal opportunities and prohibits the creation of a hostile work environment. Discrimination, including sexual harassment, whether it occurs at Volunteers of America or offsite, is unacceptable and will not be tolerated. A sexual or social advance, or comments of a sexual nature by a co-worker, including but not limited to a supervisor, particularly when persistent, could constitute sexual harassment. Volunteers of America is committed to maintaining a work environment that prohibits unlawful harassment and will take appropriate action when it receives reports of unlawful harassment.

Federal law prohibits employers from hiring anyone who is not legally authorized to work in this country. Accordingly all prospective employees must present appropriate documentation of their authorization to work in the United States to the human resources department upon hire.

All employees must adhere to all laws and regulations with regard to personal use of prescription drugs and controlled substances. Volunteers of America's personnel policies include mechanisms to deal with substance abuse in the interests of both the individual and the organization.

Employees are expected to be familiar with and adhere to Volunteers of America's human resources policies and procedures and applicable labor and employment laws.

Retaliatory action may not be taken against an employee who in good faith exercises his or her legal rights to file a complaint, charge, allege a violation or to participate in a proceeding which is investigating a charge or violation. An individual who engages in retaliation will be subject to corrective action, up to and including termination. Further details are identified in the Whistleblower policy in the Operations Manual.

6. Environment Matters and Safety

Volunteers of Americas is committed to a safe and healthful environment for clients, employees, and visitors. The organization recognizes its responsibility to adhere to OSHA regulations, including laws governing the generation and disposal of hazardous materials. Volunteers of America employees must obtain and comply with the necessary permits for discharges of particular substances, contract with and adequately document deliveries of such substances to responsible and licensed transporters, and guard against the inadvertent discharge of pollutants into the environment.

7. Falsification of Records

The falsification of organization records, including but not limited to client information, employment applications and other employee information, time and attendance records, and incident reports are prohibited. Violations may result in termination of employment and possible civil and criminal sanctions.

8. Fund Raising and Grants

Volunteers of America relies on charitable contributions from donors to support its many activities. Employees are encouraged to support fund raising efforts, and are required to coordinate all such activities with the development and communications department. Money received on behalf of Volunteers of America must be deposited immediately into a Volunteers of America account. Care should be taken when soliciting or accepting contributions from vendors that such donations may not be construed as influencing Volunteers of America's decisions regarding purchase of goods or services. All contributions are also to be handled by the development and communications department.

Employees are encouraged to pursue grant opportunities when authorized to do so by Volunteers of America. The receipt and use of grant money must be pre-approved by senior management and administered by the organization with appropriate safeguards. The application, receipt or use of grant money must not create an appearance of impropriety or suggest that the judgment of staff will be adversely affected. Staff should never accept grant money in return for the promise or expectation that Volunteers of

America or any of its staff will purchase specific services or supplies from a particular company.

9. Improper Inducements

Federal and State laws specifically prohibit receipt or payment of any form of kickback, bribe or rebate made directly or indirectly, in cash or in kind, to induce the purchase, recommendation to purchase, or referral of any kind of services or goods under a governmental contracting system, including Medicaid. Employees must avoid being either the giver or recipient of any improper inducement to individuals to use their programs and services or to make referrals to Volunteers of America programs and services. Volunteers of America should avoid any improper inducement from its vendors to influence it in making decisions regarding the use of particular products or services by their clients. The rules governing this area are complex. Questions regarding these laws or any business arrangement subject to anti-kickback or improper inducement laws should be directed to the Compliance Committee.

10. Investigations

Volunteers of America may be required to conduct internal investigations, including but not limited to, security, auditing, or work related matters. Employees are expected to cooperate fully with, and assist, in these investigations, if requested to do so.

From time to time, Volunteers of America receives requests for information and documents from government agencies or as part of a legal proceeding. Staff members should immediately forward any subpoena, civil investigative inquiry or demand, summons or related request for information, records or documents which the person receives to their Assistant Vice President at the service sector, or Vice President, as appropriate. Employee related materials are to be forwarded to the Vice President of Human Resources; client related documentation is to be forwarded to the Director of Safety and Risk Management before responding.

Employees contacted by government regulatory or law enforcement agencies regarding a pending investigation, client or employee issue, which is outside of regular routine job functions, are to report this promptly to the appropriate Assistant Vice President or Vice President, generally prior to responding so that there will not be violations of the confidentiality requirements applicable. This policy does not bar employees from speaking voluntarily with government agents, and it implies no attempt to obstruct government investigations. However, the disclosure of Volunteers of America documents or reports to a government agency, or in response to a

legal subpoena, should not occur without the prior authorization of a supervisor.

Responses to government inquiries and legal subpoenas must be accurate and complete. Once an investigation is initiated or a request is received, no documents or records may be altered, changed or destroyed. Violations of the policies governing investigations will subject employees to corrective action, up to and including termination and may also result in civil or criminal sanctions.

11. Political Activity and Lobbying

Federal laws prohibit tax-exempt organizations from contributing to any political candidates or campaigns. Employees are prohibited from making contributions to political candidates or office holders as a representative of Volunteers of America. Use of Volunteers of America equipment, supplies or facilities for the purpose of supporting any political party or candidate for public office is strictly prohibited. The laws on this issue are complex and employees should consult with the Compliance Officer if they have questions.

Senior management is responsible for developing Volunteers of America's position on relevant legislative and regulatory issues. No employee may engage in lobbying on behalf of Volunteers of America without prior authorization from the development and communications department. Employees should take care that any personal communication they may make with legislators to express their own opinions is clearly labeled as such. Any legislator or regulator who contacts an employee regarding Volunteers of America's position on public issues must be referred to the development and communications department.

Specific laws exist to eliminate conflicts of interest by former government employees seeking employment in an area they previously regulated. Clearance should be obtained from the Vice President of Human Resources before discussing employment and retention as a consultant of any current or former government employee in such circumstances.

12. Professional Client/Staff Relationships

Employees must maintain a professional relationship with service recipients/clients at all times. They may not engage in personal associations with clients and are to discourage any attempts on the part of clients to develop such relationships. This includes social media venues.

13. Proper Use of Volunteers of America Assets and Organization Name

Volunteers of America follows generally accepted accounting practices and has established financial and business controls, which guard against fraud or dishonesty and serve as guidelines for addressing possible problems that may arise.

Employees may not commit the organization to contractual or other obligations, unless they are authorized to do so by Board Resolution and/or Volunteers of America's policies for signature or other authorization.

The name of the organization and its letterhead and logo may only be used for Volunteers of America related business and may not be used for personal purposes. Employees are prohibited from providing job references without proper authorization in accordance with Job Reference procedures.

14. Taxes

Volunteers of America is a charity and is exempt from taxation from federal, state and local governments. To maintain this exemption, the organization must operate for the benefit of the community and must avoid "private inurement" and "private benefit". Volunteers of America's sales tax exemption must be used only for the legitimate business activities of the organization.

III. PROCEDURES

1. Key Responsibilities

a) Compliance Committee

The Compliance Monitoring Committee, composed of senior managers including the Director of Internal Audit, is responsible for monitoring the implementation and operation of the Compliance Program, and works with the Compliance Officer in reviewing compliance issues and implementing corrective action.

The Committee ensures that regular audit reviews of coding, billing, and business practices are conducted in accordance with laws, regulations, and organization practices. An annual schedule of training and audits is prepared.

The Compliance Committee keeps up-to-date on the latest trends and changes in corporate compliance issues, which may impact Volunteers of America.

b) Employees

Employees are expected to familiarize themselves with the Code of Conduct and ask for guidance in its interpretation. They should seek guidance regarding the propriety of any action before the questionable action is taken, or as soon as the issue arises. This ensures that potential problems can be avoided before they occur or that remedial measures may be taken as early as possible. It is the responsibility of every employee to report any violations of this Code of Conduct and other Volunteers of America policies immediately, so that they may be investigated and resolved quickly.

Employees who have questions regarding the applicability or interpretation of law or regulations, or require assistance in understanding their legal obligations, are encouraged to discuss their concerns with their supervisor, the human resources department or to contact the Compliance Officer, as appropriate. For issues related to HIPAA compliance, they are to contact the Privacy Officer on HIPAA matters.

c) Human Resources

All employees are given a copy of the Code of Conduct upon hire. A copy of their signed Code of Conduct Acknowledgement Form is placed in the employee's personnel file. *See Appendix B.* When the Code of Conduct is modified the revised version is distributed to all employees.

The human resources department provides a general introduction to legal compliance issues to all personnel as part of New Employee Orientation training. The department also provides a regular schedule of ethics training that is conducted organization wide. All training, in which employees participate, is documented in the organization's Learning Management System.

d) Supervisors

Supervisors are responsible for reinforcing organization training. They ensure that staff members receive appropriate instruction in laws and regulations related to their job and that they have access to all relevant documents, including policy/procedure manuals and safety information. Supervisors also verify that they have reviewed the contents of the Code of Conduct with each direct report as part of their annual year-end Personal Performance Plan (PPP) process. Employees, in turn, are required to acknowledge on their PPP annually that they understand the provisions of the Code of Conduct. *See Appendix C.*

2. Addressing Complaints

There are various ways to address possible Code of Conduct violations, depending on the gravity of the situation or the relationship one has with those involved. Staff members are encouraged to discuss issues with their supervisors, bring them to the human resources department or consult with the Compliance Officer or Compliance Committee members.

Formal mechanisms for filing complaints or notifying management about suspected violations of this Code of Conduct or related policies and procedures within the organization include:

a) Internal Complaint Process

The Internal Complaint Process provides a systematic review and, as warranted, redress of adverse personnel actions or working conditions that an employee believes to be a violation of organization policies. Complaints may be sent to the Assistant Vice President or directly to the human resources department. Full procedures are identified in the human resources section of the Operations Manual.

b) Employee Hotline

The Employee Hotline provides a confidential way to report serious violations of the organization's policies and standards. These may include violations such as theft, mistreatment of clients, fraud, misuse of property or other infractions of laws, regulations or organization policies and procedures.

The Hotline toll-free phone number is: **1-800-826-6762**. It is administered by an independent firm, which accepts calls 24 hours a day, 7 days a week. Employees are encouraged, but not required to identify themselves during a call. Retaliation in any form against an individual who in good faith reports possible unethical or illegal conduct is strictly prohibited and is itself will be treated as a serious violation of the Code of Conduct. Full procedures are identified in the Human Resources section of the Operations Manual.

Upon receiving a report of possible improper, unethical or illegal conduct, Volunteers of America will investigate the matter, determine if there has been improper action and take the necessary steps to address the improper activity. The nature of the improper activity may result in further audits, imposition of new safeguards or disclosure to government or regulatory agencies of the findings. The outcome may also include

disciplinary action against an employee, further training or enhanced supervision of an employee,

3. Corrective Action

All employees are expected to adhere to this Code of Conduct. Failure to do so will result in sanctions, up to and including termination of employment. Full procedures are identified in the Human Resources section of the Operations Manual.

Summary of False Claims Laws

Among the laws which Volunteers of America Greater New York seeks to comply are the federal and New York State False Claims Act laws. To provide compliance with these laws, Volunteers of America makes them part of the Code of Conduct: Compliance Plan and will educate employees and agents about these laws.

Federal False Claims Act. It prohibits a person or organization from presenting a false or fraudulent claim for payment or approval by the federal government; these claims include submissions to federal health care programs such as Medicare or Medicaid. The violation requires that the act be knowing: actual knowledge or disregard of the truth or falsity of the information, and includes actions that are related to the submission of a false or fraudulent document. Violations of the law can expose an individual or organization to civil or criminal liability, reimbursement, damages and penalties (ranging from \$11,000 to \$25,000). Participation in the federal program may also be barred. Individuals may bring actions for violations on behalf of the federal government and receive a portion of settlements and fees; they are also protected from adverse action by the organization accused of committing the violation. This means that an employee who is a “whistleblower” within the meaning of the law may be protected from discharge, discipline or adverse action and may be able to receive monetary benefits.

New York State False Claims Act. The state has a similar law which makes it a violation to knowingly make a false statement or participate in a fraudulent scheme to obtain Medicaid payments, excessive payments, services or supplies. An individual who violates the State law may be subject to civil and criminal prosecution may be fined and may have to pay damages.

Both the federal and state government also have laws which prohibit payments of money or in-kind benefits to induce the recipient to refer business or patients, order services or goods, or encourage others to do so. Violations of the anti-kickback laws can result in civil and criminal prosecution, fines and exclusion from participation in federal programs. Volunteers of America’s Code of Conduct prohibits such action as well.

Detailed information on these specific laws is included in the Operations Manual and will be dealt with in employee training.

VOLUNTEERS OF AMERICA-GREATER NEW YORK

ACKNOWLEDGMENT

TO: All Volunteers of America Employees

RE: Code of Conduct

I have read, or had read to me, the Volunteers of America Code of Conduct issued on May 24, 2016. I understand that Volunteers of America has the right to change its policies and the contents of this Code of Conduct at any time, without prior notice to, or consent from, me. I understand the contents of this Code of Conduct.

I am aware that any serious violation of this Code of Conduct may result in corrective action, up to and including termination of employment.

Signature

Employee's Name (Printed)

Date

VOLUNTEERS OF AMERICA – GREATER NEW YORK, INC.

CODE OF CONDUCT ACKNOWLEDGEMENT

The Code of Conduct protects clients and employees and guides ethical conduct within Volunteers of America – Greater New York, Inc. (“VOA-GNY”). As part of the annual Personal Performance Plan evaluation (PPP) for employees, every supervisor is to review the Code of Conduct with his/her direct reports. This form is to be signed by the employee and supervisor and attached to the year-end PPP.

The Code includes, but is not limited to, the following:

1. Antitrust and Unfair Competition: Prohibits unfair methods of competition, such as price fixing.
2. Billing: No one may intentionally falsify a claim to a funder or third party for services rendered.
3. Confidentiality and Safeguarding of Information: All personal information pertaining to clients and co-workers must be secured. This includes HIPAA adherence.
4. Conflicts of Interest: No one may use his or her position to secure privileges or advantages for self, relatives, or friends.
5. Equal Opportunity and Employment: Opportunities are provided to employees without regard to race, creed, color, religion, sex, national origin or ancestry, disability, marital status, sexual orientation, or citizenship.
6. Environmental Matters and Safety: We are committed to a safe and healthful environment.
7. Falsification of Records: This is strictly prohibited.
8. Fund Raising and Grants: Avoid soliciting or accepting contributions from vendors that may be construed as influencing decision-making.
9. Improper Inducements: No payment is permitted, directly or indirectly to induce the purchase of goods or services under a governmental contracting systems, including Medicaid.
10. Investigations: Employees are expected to cooperate with and assist in internal investigations.

11. Political Activity and Lobbying: Employees are prohibited from making contributions to political candidates as a representative of VOA-GNY.
12. Client/Staff Relationships: Employees must always maintain professional boundaries with clients.
13. Proper use of VOA-GNY Assets and Organization Name: Employees may not commit the organization to contractual or other obligations, unless authorized.
14. Taxes: To maintain tax exemption, the organization must operate for the benefit of the community.

To report violations, behaviors or practices that could be viewed as unethical, employees are to contact their supervisor or call: VOA-GNY Compliance Officer: Lynne Plavnick, Vice President of Human Resources, (646) 685-0202. All privacy matters relating to the Health Insurance Portability and Accountability Act are to be referred to: Astrid Herrera, Director of Performance Improvement, (212) 496-4317.

The VOA-GNY Employee Hotline at (800) 826-6762 is also available to report any concerns regarding ethical behavior in an anonymous manner.

I have read the Code of Conduct and am aware that I am required to report any serious violations. In matters involving employees, violations of the Code may result in corrective action, up to and including termination of employment.

EMPLOYEES'S NAME (Please Print)	EMPLOYEE'S SIGNATURE	DATE
SUPERVISOR'S NAME (Please Print)	SUPERVISOR'S SIGNATURE	DATE

CODE OF CONDUCT ACKNOWLEDGMENT

TO: Board of Directors

RE: Attestation

I have received and reviewed the Volunteers of America – Greater New York, Inc. (“VOA-GNY”) Code of Conduct Policy and Procedure. I understand that as a member of the Board of Directors that in the course of fulfilling my responsibilities, I will act with strict loyalty and fidelity to the best interests of VOA-GNY, exercise the utmost good faith in all matters and transactions involving VOA-GNY, and adhere to the highest ethical standards of fiduciary duty.

I am aware that I have a responsibility to err on the side of disclosure and to report any set of circumstances that may appear to pose a conflict of interest, even if there is uncertainty as to whether such circumstances should be disclosed.

I am aware that I can contact VOA-GNY’s Compliance Officer directly at any time with questions or to file a complaint related to the Code of Conduct:

Lynne Plavnick
VP of HR/Chief Compliance Officer
Phone: (646) 685-0202
E-Mail: lplavnick@voa-gny.org.

Signature

Board Member Name (Printed)

Date