

VCS Inc.

Corporate Compliance Plan

Sarah Goforth, Executive Director

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(Pending Approval)

The purpose of our Corporate Compliance Program is to promote organizational adherence to applicable federal and state law, and private payer healthcare requirements. An effective **compliance program** can help protect practices against fraud, abuse, waste, and other potential liability areas. At VCS Inc. (hereinafter referred to as “VCS”) we are committed to establish a culture of honesty and accountability that promotes prevention, detection and resolution of instances of conduct that do not conform to federal and state law, and federal, state, and private payer healthcare program requirements, as well as ethical and business policies.

Our compliance program is built upon the following eight elements:

1. Implementation of written compliance policies, procedures, and standards of conduct;
2. Designation of a compliance officer and compliance committee, who will be responsible for monitoring compliance efforts and enforcing practice standards;
3. Conducting effective training and education on the compliance policies, procedures, and standards of conduct;
4. Development of effective lines of communication to facilitate communication with staff and allow anonymous reporting mechanisms;
5. Conducting internal monitoring and auditing by performing periodic self-audits;
6. Enforcing standards for employees through well-publicized disciplinary guidelines;
7. Responding promptly to detected offenses and develop corrective action plans; and
8. Enforcing a policy of non-intimidation and non-retaliation for good faith participation in the compliance program.

NOTICE OF PRIVACY PRACTICES

Describes how medical information about you may be used and how you can get access to this information.

COMPLIANCE HOTLINE

The Compliance Hotline is confidential and anonymous. It is available 24 Hours a day, 7 Days a Week. Toll-Free Telephone:

845-634-5729 Ext 340

Code of Conduct

MISSION AND VALUES STATEMENT

MISSION

The VCS mission is to provide hope and promote social justice for individuals, families and communities through mental health counseling and community change. VCS employs a unique combination of professional staff, trained volunteers and collaborative partnerships to create innovative responses to pressing social needs and issues.

VCS is committed to quality care and improvement of human life. VCS employs teamwork and all other resources to make individualized quality, cost-effective behavioral health services and assistance accessible to individuals in our local communities. VCS' vision is a responsible and respectful society where the stigma of mental illness is eliminated. Our mission is to engage all people in achieving their optimal mental health by providing innovative and compassionate services that educate, advocate, prevent and heal.

At VCS, we believe and are committed to:

- advocacy, collaboration, diversity, education, respect, responsiveness, and services,
- the uniqueness and intrinsic worth of every individual,
- treating those served with professionalism, dignity, and compassion,
- conducting business and providing services with honesty, integrity, and consistency,
- pledging to consistently treat everyone with professionalism, value, loyalty, respect, and trust.

This Code of Conduct is a guide for everyone and is a resource for performing our duties and responsibilities consistent with appropriate ethical, professional, and legal standards. These obligations apply to relationships with program participants and their family members, providers/colleagues, members of the community, employees, interns, volunteers, Board Members, subcontractors, independent contractors, and agents. This Code is the foundation of our Corporate Compliance Program. It has been developed to assure that ethical and professional standards are met and to comply with applicable funding requirements, laws, and

regulations. This Code is intended to be comprehensive and easily understood. The Code may not fully cover a particular subject. In many cases, the subject discussed is complex and additional guidance is necessary to provide sufficient direction. ***This Code is mandatory and must be followed. Any reference to “Employee” shall also include “Contract Workers.”***

LEADERSHIP RESPONSIBILITIES

While all associated with VCS (employees, interns, volunteers, Board Members, subcontractors, independent contractors, and agents) are obligated to follow our Code, we expect our leaders to set the example, to be in every respect a model. They must ensure that all have sufficient information to comply with law, regulation, and policy; as well as the resources to resolve ethical dilemmas. They must help create a culture within VCS, which promotes the highest standards of ethics and compliance. This culture must encourage everyone in VCS to raise concerns when they arise. We must never sacrifice ethical and compliant behavior in the pursuit of business objectives.

COMMITMENT TO STAKEHOLDERS

As we all are committed to following our mission statement and to the success of VCS we pledge:

To our program participants: to provide quality care and service that is professional, ethical, compassionate, accessible, timely, and cost effective.

To our employees: to maintain a work setting that complies with our Affirmation Action and Compliance Plans; that treats all members with consistency, professionalism, value, trust, and respect; that affords an opportunity for growth and development; and that encourages the sharing and consideration of ideas.

To third-party payors: to demonstrate our commitment to contractual obligations and reflect our concern for quality, accuracy, efficiency and cost-effectiveness. Our third-party payors are encouraged to adopt comparable ethical principles.

To funding sources/regulators: to maintain a corporate environment compliant with contracts, rules, regulations, and sound business practices, to self-govern and monitor adherence to all legal and contractual requirements and to this Code.

To our suppliers/vendors: to promote fair competition among prospective suppliers/vendors and to act as a responsible, good customer.

To our volunteers: to support the concept of voluntary assistance to program participants and their families as an integral part of behavioral healthcare, to ensure that volunteers feel a sense of meaningfulness and value from their work and receive recognition for their efforts.

To our Board Members: to acknowledge and support the time, effort, guidance, and over-sight provided by the governing members of our Board of Directors.

To the communities we serve: to provide professional, ethical, appropriate, timely, accessible, quality services; to serve those in need; to promote good will and further good causes in our communities.

RELATIONSHIPS WITH OUR HEALTHCARE PARTNERS

A. Program Participants

1. Care and Rights of Individuals We Serve

VCS exists to provide quality, professional, ethical, compassionate, timely, accessible, and appropriate services. All individuals will be treated with professionalism, respect, and dignity. VCS will not discriminate against any individual based on race, color, creed/religion, pregnancy related condition, genetic information, predisposition and carrier status, national origin, citizenship, disability, military or veteran status, marital status, sex, sexual orientation, gender identity or transgender status, age, religion, personal appearance or any other classification protected by applicable law. Services are provided based on identified individual needs, not on economics.

Upon admission, each individual is provided with a written statement of their rights. This statement conforms to all applicable State and Federal laws. We assure their involvement in all aspects of their care and informed consent for services is obtained. Individuals or their legal custodians are provided with information and explanation of services including, but not limited to, diagnosis, service plan, right to refuse or accept services, service decision dilemmas, costs, explanations of service options and service alternatives.

Individuals or their legal custodians have the right to decline services and will be given appropriate information to make an informed decision. Individuals and their representatives are accorded and will receive appropriate confidentiality, privacy, security and protective services, and opportunity for resolution of complaints. Any restrictions placed on individuals by services will be evaluated for therapeutic effectiveness and will be fully explained and agreed upon by them or their representative. They have the right to refuse services.

Individuals will be treated in a manner that is professional, ethical and that preserves their dignity, autonomy, self-esteem, civil rights and involvement in their own care. Employees will receive training regarding individual rights in order to clearly understand their role in providing services. We are committed to supporting the communities we serve. VCS will promote education and prevention programs in an effort to improve the quality of life for individuals in our communities.

2. Client Information

It is the policy of VCS that client confidentiality is respected as a high priority by all staff members of VCS, in accordance with federal and state regulations including but not limited to HIPAA privacy and HITECH security regulations and procedures. The client's right to privacy shall not be violated in any manner by a staff member or any other individual who acts on behalf of VCS. This is to include, but not limited to, Board Members, committee members, appointed advocates, staff members, volunteers, etc.

Client information regarding medical conditions, history, medication, demographics, etc., is necessary for VCS to provide appropriate quality care. VCS recognizes the sensitive nature of protected health information and is committed to maintaining confidentiality as mandated by law and by professional standards. No one will release or discuss client-specific information with others except in compliance with HIPAA policies and procedures. Employees must never disclose confidential information that would violate client privacy rights. No one has a right to access or use any client information except to the extent necessary to perform his/her job. Clients have the right to expect their privacy to be protected and that confidential information will only be used and disclosed in accordance with applicable state and federal laws, regulations, and VCS policies.

Under New York law, disclosure of HIV-related information is subject to special restrictions. In accordance with New York State Public Health Law, Article 27-F, "Release of confidential HIV related information means a written authorization for disclosure of confidential HIV related information which is signed by the protected individual, or if the protected individual lacks capacity to consent, a person authorized pursuant to law to consent to health care for the individual. Such release shall be dated and shall specify to whom disclosure is authorized, the purpose for disclosure and the time period during which the release is to be effective. A

general authorization for the release of medical and other information shall not be construed as a release of confidential HIV related information, unless such authorization specifically indicates its dual purpose as a general authorization and an authorization for the release of confidential HIV related information and complies with this definition." Form DOH-2557 (6/89) will be used for this purpose.

Like HIV-related information, substance abuse treatment information also has special protections according to SAMSHA and NYS OASAS. Any information collected regarding substance abuse treatment will not be disclosed unless specific written permission is obtained from the client. VCS is not a substance abuse treatment program but may be exposed to said PHI. As such, it is the duty of each employee to protect said information and may not disclose the same even within the agency. Only executive staff, clinic manager and the Compliance Officer may grant permissible exceptions.

Anyone found to engage in any activity which violates client confidentiality and privacy will be subject to discipline, in accordance with VCS policies and procedures. Violation of client confidentiality and privacy for a client will not be tolerated by VCS.

B. Affiliated Physicians/Providers

Business arrangements with physicians and other providers will be structured to meet all applicable legal requirements including but not limited to the Stark Law and Anti-Kickback Statute [42 U.S.C. § 1320a-7b(b)].

Such arrangements will be in writing and approved by appropriate legal counsel. To meet ethical and legal standards, VCS will not pay for referrals. Admissions to services are based solely on individual needs and VCS' ability to offer appropriate services and admission criteria will be strictly and consistently followed. Violation of this precept could have significant ramifications for VCS including civil and criminal penalties and possible exclusion from participation in federally funded programs. Additionally, no payment will be accepted for VCS referrals to other providers. No one acting on behalf of VCS is permitted to solicit or receive anything of value, directly or indirectly, in exchange for referral of individuals. The volume or value of referrals that providers have made (or may make) to us will not be a factor in admissions.

Furthermore, VCS employees, except Executive Staff, Clinical Manager and/or Medical Staff are strictly prohibited from interacting with Pharmaceutical Companies. A violation of the herein may result in disciplinary action including but not limited to termination.

C. Third Party Payors

1. Coding and Billing for Services

VCS will assure and is committed to reflecting truth, accuracy, and conformity to all pertinent Federal and State laws and regulations when billing all government and private insurance payors. Knowingly presenting or causing to be presented false, fictitious, or fraudulent claims for payment or approval is expressly prohibited. Oversight systems designed to verify claims submission only for services actually provided and that services are billed as provided will be effectively maintained. Such systems will emphasize the necessity and expectation of complete and accurate service documentation. As a part of this effort, confidential, current, and accurate records will be maintained. Any subcontractor or contractor performing billing or coding services will be expected to adhere to this Code of Conduct and must have the necessary skills, quality assurance processes, systems, and appropriate procedures to assure that all billing for government and commercial insurance programs are accurate, complete, and timely. VCS prefers to contract with agencies that have adopted their own ethics and compliance programs.

Among other things, knowingly submitting false or fraudulent claims for payment to a government may constitute a violation of the Civil False Claims, 31 U.S.C. § 3729(a). A person acts “knowingly” under this law not only if they have actual knowledge of a false or fraudulent claim, but also if they act with deliberate ignorance or reckless disregard. In sum, the False Claims Act imposes liability on any person who submits a claim to the federal government that he or she knows (or should know) is false.

For coding questions, consult your department’s policies and procedures manuals or contact your supervisor. For questions concerning billing issues, consult your department’s policies and procedures manuals or contact the Director of Finance.

2. Cost reports

Our business involves reimbursement under government programs that require the submission of certain reports of our costs of operation. VCS will comply with Federal and State laws and funding source requirements relating to all cost reports. Laws, regulations, and requirements define allowable costs and outline appropriate methodologies to claim reimbursement for the cost of services provided to

individuals. Given their complexity, all issues related to completion and settlement of cost reports must be coordinated with the Director of Finance or his/her designee. At no time will VCS misrepresent rates or designation of costs to improperly enhance reimbursement.

D. Regulatory Compliance

Services will be provided pursuant to appropriate Federal, State, and local laws and regulations, and funding source requirements. Such requirements may include, but are not limited to, licenses, permits, access to services, consent to services, individual service record keeping, access to individual records and confidentiality, individuals' rights, and Medicaid regulations. VCS is subject to numerous other laws, regulations and funding source requirements. VCS will comply with all applicable laws, regulations and requirements. Written policies and procedures have been established to assure compliance, and ongoing education and training are provided to everyone on proper business conduct. All must be knowledgeable about and compliant with all relevant laws, regulations, and requirements, and should immediately report violations or suspected violations to a supervisor or other member of management, the Compliance Officer, a member of the Corporate Compliance Committee, Human Resources staff, or the designated reporting voice mailbox.

VCS will provide appropriate, complete, factual, and accurate information in response to billing inquiries. VCS will cooperate with and be respectful of all government inspectors and provide these inspectors with the information to which they are entitled during an inspection. During a governmental or any other type of inspection, individuals must never conceal, destroy, or alter any documents, lie, or make misleading statements to the investigator. No one shall cause or attempt to cause another individual to fail to provide accurate information or obstruct, mislead, or delay the communication of information on records relating to a possible violation of law, regulation, requirement, and/or policy. To assure that VCS meets all regulatory obligations, everyone must be informed about stated areas of potential compliance concern. VCS is committed to diligently researching and reviewing resources that provide awareness of areas of regulatory concern, and to maintaining systems that proactively address such concerns. VCS will provide everyone with information, education, and training to fully comply with all applicable laws, regulations, and requirements.

E. Certifying Bodies

VCS will deal with all certifying bodies to which we profess accountability in a direct, open, and honest manner. No action should ever be taken in relationships with certifying bodies that would either directly or indirectly mislead the certifier or survey teams. The scope of VCS certification is significant and broader than

the scope of this Code. The purpose of this Code is to provide general guidance on compliance subjects of wide interest within VCS. Certification standards will be met and maintained.

F. Overview of Relevant Laws:

The False Claims Act (31 U.S.C. §§ 3729-3733)

The False Claims Act is a federal law designed to prevent and detect fraud, waste and abuse in federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages up to three times the programs' loss plus \$11,000 per claim filed. Under the civil FCA, each instance of an item or a service billed to Medicare or Medicaid counts as a claim, so fines can add up quickly.

False Claims suits can be brought against individuals and entities. The False Claims Act does not require proof of a specific intent to defraud the Government. Providers can be prosecuted for a wide variety of conduct that leads to the submission of a false claim.

Some examples include:

- Knowingly making false statements;
- Falsifying records;
- Submitting claims for services never performed or items never furnished;
- Double-billing for items or services;
- Using false records or statements to avoid paying the Government;
- Falsifying time records used to bill Medicaid; or
- Otherwise causing a false claim to be submitted.

Whistleblower/Non-Retaliation or “Qui Tam” Provisions:

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower/non-retaliation provision.

The Government, or an individual citizen acting on behalf of the Government, can bring actions under the False Claims Act. An individual citizen, referred to as a whistleblower or “Relator,” who has actual knowledge of allegedly false claims may file a lawsuit on behalf of the U.S. Government. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered.

Employee Protections

The False Claims Act prohibits discrimination and/or retaliation by VCS against any employee for taking lawful actions under the False Claims Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in False Claims actions is entitled to all relief necessary to make the employee whole. Such relief may include, but is not limited to reinstatement, double back pay, and compensation for any special damages, including litigation costs and reasonable attorney fees.

Administrative Remedies for False Claims (31 USC Chapter 38. §§3801-3812).

This federal statute allows for administrative recoveries by federal agencies including the Department of Inspector General and Department of Health and Human Services, which operates the Medicare and Medicaid Programs. The law prohibits the submission of a claim or written statement that the person knows or has reason to know is false, contains false information or omits material information. VCS may impose a monetary penalty of up to \$5,500 per claim and damages of twice the amount of the original claim.

Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also unlike the False Claims Act, the determination of whether a claim is false, and imposition of fines and penalties is made by the administration of VCS, and not by prosecution in the federal court system.

New York State False Claims Act (State Finance Law §§187-194).

The New York State False Claims Act closely tracks the federal False Claims Act. It imposes fines on individuals and entities that file false or fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The penalty for filing a false claim is \$6,000 - \$12,000 per claim and the recoverable damages are between two and three times the value of the amount falsely received. In addition, the false claim filer may be responsible for attorney fees and associated costs to prosecute.

The Government, or an individual citizen acting on behalf of the Government (a “Relator”), can bring actions under the New York State False Claims Act. If the suit eventually concludes with payments back to the government, the party who initiated the case can recover 15% - 30% of the proceeds, depending upon whether the government participated in the suit. The New York State False Claims Act prohibits retaliation and/or discrimination against an employee for taking lawful actions in furtherance of an action under the Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by

the employee in furtherance of an action under the False Claims Act is entitled to all relief necessary to make the employee whole.

Social Service Law §145-b False Statements

It is a violation to knowingly obtain or attempt to obtain payment for items or services furnished under any Social Services program, including Medicaid, by use of a false statement, deliberate concealment or other fraudulent scheme or device. The State or the local Social Services district may recover up to three times the amount of the incorrectly paid claim. In the case of non-monetary false statements, the local Social Service district or State may recover three times the amount incorrectly paid. In addition, the Department of Health may impose a civil penalty of up to \$2,000 per violation. If repeat violations occur within five years, a penalty up to \$7,500 may be imposed if they involve more serious violations of the Medicaid rules, billing for services not rendered, or providing excessive services.

Social Service Law §145-c Sanctions

If any person applies for or receives public assistance, including Medicaid, by intentionally making a false or misleading statement, or intending to do so, the person's and the person's family needs are not taken into account for a period of six months to five years, depending upon the number of offenses.

B. Criminal Laws

Social Service Law §145 Penalties

Any person who submits false statements or deliberately conceals material information in order to receive public assistance, including Medicaid, is guilty of a misdemeanor.

Social Service Law § 366-b, Penalties for Fraudulent Practices

Any person who, with intent to defraud, presents for payment any false or fraudulent claim for furnishing services or merchandise, knowingly submits false information for the purpose of obtaining Medicaid compensation greater than that to which he/she is legally entitled to, or knowingly submits false information in order to obtain authorization to provide items or services shall be guilty of a Class A misdemeanor.

Any person who obtains or attempts to obtain, for himself or others, medical assistance by means of a false statement, concealment of material facts, impersonation, or other fraudulent means is guilty of a Class A misdemeanor.

Penal Law Article 155, Larceny

The crime of larceny applies to a person who, with intent to deprive another of property, obtains, takes or withholds the property by means of a trick, embezzlement, false pretense, false promise, including a scheme to defraud, or other similar behavior. This law has been applied to Medicaid fraud cases.

Penal Law Article 175, Written False Statements

There are four crimes in this Article that relate to filing false information or claims. Actions include falsifying business records, entering false information, omitting material information, altering VCS' business records, or providing a written instrument (including a claim for payment) knowing that it contains false information. Depending upon the action and the intent, a person may be guilty of a Class A misdemeanor or a Class E felony.

Penal Law Article 176, Insurance Fraud

This Article applies to claims for insurance payment, including Medicaid or other health insurance. The six crimes in this Article involve intentionally filing a false insurance claim. Under this article, a person may be guilty of a felony for false claims in excess of \$1,000.

Penal Law Article 177, Health Care Fraud

This Article establishes the crime of Health Care Fraud. A person commits such a crime when, with the intent to defraud Medicaid (or other health plans, including non-governmental plans), he/she knowingly provides false information or omits material information for the purpose of requesting payment for a health care item or service and, as a result of the false information or omission, receives such a payment in an amount to which he/she is not entitled. Health Care Fraud is punished with fines and jail time based on the amount of payment inappropriately received due to the commission of the crime.

New York Labor Law §740

An employer may not take any retaliatory personnel action against an employee if the employee discloses information about the employer's policies, practices or activities to a regulatory, law enforcement or public official.

This law offers protection to an employee who:

- discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of law, rule or regulation that presents a substantial and specific danger to

the public health or safety, or which constitutes health care fraud (knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions);

- provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by the employer; or
- objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation.

The employee's disclosure is protected under this law only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. The law allows employees who are the subject of a retaliatory action to bring a suit in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

New York Labor Law §741

Under this law, a health care employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer's policies, practices or activities to a regulatory, law enforcement or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care.

The employee's disclosure is protected under this law only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If the employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, it may impose a civil penalty of \$10,000 on the employer.

BUSINESS INFORMATION AND INFORMATION SYSTEMS

A. Accuracy, Retention, and Disposal of Documents and Records

Each individual is responsible for the timeliness, integrity, and accuracy of VCS' documents and records, not only to comply with regulatory, funding, and legal requirements, but also in defense of our professional, ethical business practices and actions. No one may alter or falsify information on any record or

document. Program Participant and business documents and records are retained in accordance with applicable laws and our retention policies. Program Participant and business documents include paper documents such as letters and memos, computer-based information such as e-mail or computer files on hard drives, disks or tapes, and any other medium that contains information about the organization and/or its business activities. It is important to retain and destroy records according to policy. No Employee should tamper with records, nor move or destroy them prior to the specified timeline.

B. Confidential/Proprietary Information

Confidential/proprietary information about VCS strategies and operations is a valuable asset. Individuals may use confidential/proprietary information to perform their jobs, but it must not be shared with others outside of those with a need to know within VCS, unless there is a legitimate need to know this information, approval is provided by the appropriate management staff to release the information, and agreement is made that the released information will be kept appropriately confidential. Confidential/proprietary information includes, but is not limited to, personnel data maintained by VCS, participant lists and information, financial data, research data, strategic plans, marketing strategies, techniques, employee lists and data maintained by the organization, supplier and subcontractor information, and proprietary computer software. This provision does not restrict the individual's right to voluntarily disclose information about his/her own compensation, benefits, or terms and conditions of employment.

C. Electronic Communications/Acceptable Use Policy

It is the policy of VCS that computers, network, e-mail, voice mail, cellular phones, text messaging, pagers, and Internet access (cumulatively referred to as Electronic Communication Systems) are provided to employees to facilitate their efforts and the completion of their job responsibilities. These resources are not to be used for any unlawful purpose or reason inconsistent with the mission or policies of the Agency.

This policy applies to all Electronic Communication Systems that are owned or leased by VCS, that are used on or accessed from VCS premises or work sites, or that are used on VCS business. This policy also applies to all activities using any VCS-paid accounts, subscriptions, or other technical services, such as Internet access, voice mail, and e-mail, whether or not the activities are conducted from VCS premises.

VCS encourages all employees who are assigned a VCS cell phone to carry it with you at all times while you are working for your safety and the safety of the clients. However, employees are prohibited from talking on or otherwise using a hands-held mobile phone while operating a VCS vehicle or a personal vehicle on VCS business or at any time when using a mobile phone owned or provided by VCS. This prohibition applies to all

mobile phone use including receiving or placing calls, checking voicemail, sending or receiving email or text messages, and accessing the Internet.

Your use of VCS' Electronic Communication Systems must not interfere with your productivity, the productivity of any other employee, or the operation of VCS' systems.

VCS' policy prohibiting harassment, in its entirety, applies to the use of VCS' Electronic Communications Systems. No one may use these systems in a manner that may be construed by others as harassment or offensive based on race, national origin, gender, sexual orientation, age, disability, religious beliefs, personal appearance or any other characteristic protected by applicable law. Sending, saving, or viewing offensive material is prohibited. Messages stored and/or transmitted by the Electronic Communications Systems must not contain content that may reasonably be considered offensive.

No one may access, or attempt to obtain access, to another individual's electronic communications without appropriate authorization from the Executive Director or Human Resources Department. Similarly, you should only access the libraries, files, data, programs, and directories that are related to your work duties. Unauthorized review, duplication, dissemination, removal, installation, damage, or alteration of files, passwords, computer systems or programs, or other VCS property, or improper use of information obtained by unauthorized means, is prohibited.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. Software programs and/or hardware programs may not be brought in from other sources and installed on any VCS computer without approval from the Executive Director or Human Resources Department.

Employees will not, under any circumstances, absent the express written consent of VCS, cause or allow confidential and proprietary information to be saved and/or stored on a computer, drive, device, server, or other digital and cloud based means of data storage (expressly including without limitation Dropbox, OneDrive, Google Drive and Box) other than those in which VCS maintains, controls and provides me secured access.

VCS' Electronic Communications Systems, and the data stored on or transmitted over them are and remain at all times the property of VCS and should not be considered private or confidential. VCS may access its Electronic Communications Systems and obtain the communications within the systems, with or without notice to users of the systems, in the ordinary course of business when VCS deems it appropriate to do so. The

reasons for which VCS may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and insuring that VCS' operations continue appropriately during an employee's absence.

Employee use of VCS' Electronic Communication Systems constitutes consent to VCS' accessing, intercepting, monitoring and disclosing any matter stored in, created, received or sent over those systems.

Employees who violate this Electronic Communications Policy will be subject to disciplinary action up to and including termination of employment.

D. Personal Cellphone Use Regarding Protected Health Information

It is a violation of VCS' Code of Conduct for staff to transmit Protected Health Information (PHI) using their personal cell phones. Staff are prohibited from texting each other on their personal cell phones regarding work related questions/issues related to clients or any other confidential information. Under VCS' policies and procedures for compliance with the HIPAA privacy and security regulations, staff members are strictly prohibited from using personal cell phones to access, use, transmit, communicate, or store any protected health information related to clients. If applicable, employees assigned Agency cell phones or other assigned VCS electronic devices are expected to use them for all work related electronic communications.

E. Computer Asset Control Policy

VCS determines the computer system needs of employees and how those needs will be met. The purpose of this policy is to outline the acceptable movement of computer and electronic equipment at VCS. VCS reserves authority to establish and enforce procedures and rules for employee use of VCS-owned computer systems, software, and data. These rules are in place to protect the employee and VCS.

This policy applies to VCS staff members who include contractors, consultants, interns, students, trainees, temporary employees, and other workers at VCS. This policy applies to all equipment that is owned or leased by VCS.

The asset control policy will not only enable organizational assets to be tracked concerning their location and who is using them but it will also protect any data being stored on those assets. This Asset Policy also covers disposal of assets.

Assets subject to tracking include:

1. Desktop workstations
2. Laptop mobile computers
3. VCS Smartphones
4. Printers, Copiers, FAX machines, multifunction machines
5. Scanners
6. Hard drives
7. Tapes with data stored on them including system backup data

All employees must also agree to handle memory sticks, and CD ROM disks in a responsible manner and follow these guidelines:

- Never place sensitive data on them without authorization. If sensitive data is placed on them, special permission must be obtained from the Executive Director or Director of HR and the memory device must be kept in a secure area. As soon as work is completed on the memory device the information must be saved back onto VCS' network to be backed-up and protected according to VCS policy and procedures.

VCS Computer Support Specialist is responsible to maintain a current inventory of all computers and printers for HIPAA purposes and their location. In addition, assets must remain within the program which purchased the asset for auditing purposes. It is for these reasons that relocation or movement of assets not be completed without approval from the Director of Human Resources and Finance and the knowledge and assistance of the Computer Support Specialist.

F. Financial Reporting and Records

VCS maintains a high standard of accuracy and completeness in the documentation and reporting of all financial records. These records serve as the basis for managing our business and are important in meeting our obligations to program participants, staff members, Board Members, suppliers, and others. VCS financial records are externally audited on an annual basis. These records are necessary for compliance with tax and financial reporting requirements. All financial information must reflect actual transactions and conform to generally accepted accounting principles. No undisclosed or unrecorded funds or assets may be established. VCS maintains a system of internal controls to provide reasonable assurances that all transactions are executed in accordance with appropriate management authorization and are recorded in a proper manner to maintain accountability of VCS' assets.

IMPROPER USE OF VCS FUNDS or ASSETS

Use of VCS' funds or assets for any improper purpose is strictly prohibited. If you are aware of or have reason to believe that funds or assets are being improperly used, you must report this immediately to your supervisor

or the Compliance Officer. VCS funds may not be utilized for the purchase of firearms, illicit substances, alcohol or cigarettes.

POLITICAL ACTIVITIES AND CONTRIBUTIONS

VCS funds or resources are not to be used to contribute to political campaigns or for gifts or payments to any political party or any of their affiliated organizations. VCS resources include financial and non-financial donations such as using work time and telephones to solicit for a political cause or candidate or the loaning of VCS property for use in political campaigns. It is important to separate personal and corporate political activities in order to comply with appropriate rules and regulations relating to lobbying or attempting to influence government officials. Everyone may participate in the political process on their own time and at their own expense. When doing so, no one should give the impression they speak on behalf of or represent VCS. No one can seek reimbursement from VCS for any personal contributions for such purposes. At times, VCS may ask individuals to make personal contact with government officials or to write letters to present our position on specific issues. In addition, it is part of the role of some VCS management to interface with government officials. If you are making these communications on behalf of VCS, be certain you are familiar with any regulatory constraints and observe them. Guidance can be sought from the Executive Director as necessary.

SOLICITATIONS AND DISTRIBUTION OF LITERATURE

To avoid disruptions in the work place that can be caused by solicitations and distribution of literature, it is the policy of VCS that employees may not distribute or circulate any non-VCS written or printed material on working time or in any work areas at any time and employees may not engage in solicitation of another employee for any purpose during their working time, or during the working time of the employee at whom the solicitation is directed.

Non-employees are strictly prohibited from soliciting and/or distributing any material or literature on our premises, work sites, work areas or in client care areas at any time.

For purposes of this policy, “working time” includes all time for which an employee is scheduled to be performing services for the Agency; it does not include meal periods.

BULLETIN BOARDS

The Bulletin boards are located in VCS buildings to communicate information to employees about Agency-related matters. Only Agency-related material may be posted on employee bulletin boards and no employee

may post on the Bulletin Board without the prior approval from management. Please check the bulletin boards on a regular basis to keep informed of upcoming events and other items of interest. Employees are not to remove material from the bulletin boards.

WORKPLACE CONDUCT AND EMPLOYMENT PRACTICES

A. Code of Ethics

VCS Code of Ethics outlines expectations for professional behavior and provision of services. Ethical conduct is necessary and expected. This Code of Conduct sets forth standards for all VCS employees in carrying out daily activities within appropriate ethical and legal standards. These standards apply to relationships with client, third-party payers, vendors, consultants and one another.

The Code of Conduct is intended to augment, not limit or substitute specific policies and procedures of any other program or department of the VCS. It is the duty of each person to uphold the standards set forth in the Code of Conduct.

The Code is not intended to, nor can it, cover every situation. The principles in the Code are to be adhered to in addition to (not as a substitute for) the ethical guidelines of any and all applicable professions, law, licensing agencies and internal policies that apply to the respective programs of the VCS. Additionally, no set of standards can substitute for the personal integrity, good judgment and common sense required to meet the challenges of daily work.

The Code is a critical component of the agency's Compliance Program. The policies set forth in this Code are mandatory and must be followed.

1. Compliance with all applicable laws and regulations

VCS is subject to governance by numerous statutes and regulation, including but not limited to: OMH, , OMIG, Medicaid and Medicare.

Incident Management 14 NYCRR Part 524.

Clinic - 14 NYCRR Part599

2. VCS employees will be provided with training on relevant federal, state and local laws and regulations applicable to the performance of their job and duties. It is the responsibility of the Corporate Compliance Officer and the Compliance Committee to enforce adherence with the Corporate Compliance Program. It is also their responsibility to investigate possible violations of regulations, laws, or the Code of Conduct. The Corporate Compliance Officer and the Compliance Committee will act as resources to employees seeking clarification regarding the Code of Conduct.

3. *Ethical Conduct*

All VCS employees shall conduct themselves in their work in the highest ethical manner in accordance with professional standards.

4. *Integrity with payers and documentation*

The VCS shall submit accurate and complete requests for payment of services that are reasonable and appropriate. The VCS shall maintain accurate and appropriate documentation to support requests.

5. *Conflicts of Interest*

It is the policy of VCS, that no Board Member, Directors, Officers, Key Employees, staff members or any member of her/his family should accept any gift, entertainment, services, loans, or promises of future benefits from any person who personally or whose employer might benefit or appear to benefit because of the staff member's connection with VCS. Staff members are expected to work out for themselves the most gracious methods of declining gifts and entertainment that do not meet this standard.

No Board Member, Directors, Officers, Key Employees, or Staff members should perform for personal gain services for any supplier to VCS of goods or services, or for any customer, as employee, consultant, or in any other capacity, that provides compensation of any kind. Similar association by a member of the staff member's family or by any other relative may also be inappropriate and therefore must be disclosed.

No Board Member, Directors, Officers, Key Employees, or Staff members, or any member of her/his family, should have any beneficial interest in or substantial obligation toward any supplier, customer of the VCS or any other organization that is engaged in doing business with or serving VCS, unless it

has been determined on the basis of full disclosure of the facts that such interest does not give rise to a conflict of interest. The Conflict of Interest disclosure form must be used in for this purpose.

A Conflict of Interest Disclosure Form must be used for reporting any potential conflicts. The conflict of Interest Disclosure Form is completed upon hire for new employees and, annually thereafter. Any potential Conflicts of Interest which arise in the interim must be reported immediately using the aforementioned form which may be obtained from and submitted to any Program Director, or the Compliance Officer. The form and potential conflict is reviewed by the Corporate Compliance Officer, Director of Finance, Department of Human Resources and the Executive Director and appropriate action is taken. The resolution of the conflict is documented and shall include: (a) the names of the person who disclosed or otherwise were found to have a financial interest in connection with the actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the decision as to whether a conflict of interest in fact existed; the content of the discussion, including any alternatives to the proposed transaction or arrangement, and will be made part of the personnel file.

In the case of Board Members, the Conflict of Interest Form is completed prior to the initial election and annually thereafter. For any potential Conflicts of Interest which arise in the interim, the form may be obtained from and submitted to the Board Secretary who will provide a copy of the written statements to the Board. The existence and resolution of all conflicts of interest shall be properly documented in the Board Minutes and shall include: (a) the names of the person who disclosed or otherwise were found to have a financial interest in connection with the actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or Executive Committee's decision as to whether a conflict of interest in fact existed; and (b) the names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings. In addition, any Board Member with an applicable conflict of interest may not be present at or participate in Board or Committee deliberations or voting on the matter considering such a conflict and is prohibited from any attempt to influence Board deliberations.

All VCS employees shall avoid situations where their personal interest could conflict or appear to conflict with their responsibilities, obligations or duties to VCS. No VCS employee shall use their position and affiliation with the VCS for personal benefit apart from the normal compensations

provided through employment or affiliation with VCS. VCS employees are required to contact the Corporate Compliance Officer or Department of Human Resources with any questions or conflicts regarding personal interest.

All employees are required to disclose any financial interest that they or any immediate family member may have in any establishment that does business with VCS to the Director of Finance.

Related Party Transactions

As a non-profit organization, VCS is prohibited from participating in Related Party Transactions unless the transactions are determined by the Board to be fair, reasonable and in the organization's best interest at the time of the transaction. A "related party transaction" is any transaction, agreement or any other arrangement in which a related party has a financial interest and in which the corporation or any affiliate of the corporation is a participant. A "related party" is (1) any director, officer or key employee of the corporation, (2) any relative of any director, officer or key employee of the corporation or any affiliate of the corporation, or (3) any entity in which any individual described in (1) or (2) has a thirty-five percent (35%) or greater ownership or beneficial interest or, in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent. Any director, officer or key employee who has an interest in a related party transaction must disclose to the Board or an authorized committee thereof, the material facts concerning such interest. The Board is required to:

- Consider alternative transactions (if available) prior to entering into the transaction;
- Approve the transaction by a majority vote of the Board at the meeting; and
- Contemporaneously document in writing the basis for the approval including the alternatives

No related parties may participate in the deliberations or voting relating to these transactions. However, they can be available to present information concerning the transaction prior to the commencement of deliberations or voting.

Gifts

No Directors, Officers, Key Employees or Staff members or any member of her/his family should accept any gift, entertainment, services, loans, or promises of future benefits from any person who personally or whose employer might benefit or appear to benefit because of the staff member's connection with VCS. Individuals are expected to work out for themselves the most gracious methods of declining gifts.

There are, however, several exceptions to the above "Gift Rule." As previously mentioned, VCS employees shall not accept gifts from VCS clients. However, an item made by a client may be accepted by staff as long as acceptance of the gift is determined to be in the best interest of the client. Such determination is made by staff in consultation with his/her supervisor. Employees may retain gifts from vendors, which have a nominal value of \$25 or less with a yearly maximum of \$100. Gifts provided by client family members must be shared among entire department. Vendor gifts must be disclosed to supervisors. No person associated in any way with VCS will solicit nor receive any payment, in cash or in kind, for the referral of clients.

Business Courtesies

Nothing in this Code should be considered as encouragement to make, solicit, or receive any type of entertainment or gift. For clarity, these limitations govern activities with organizations and/or individuals outside of VCS. A "Business Courtesy" can mean an invitation to attend a social event to further or develop business relationships, an actual gift, meal, entertainment, etc. All business courtesies, whether given or received, should be approved in advance by the appropriate Director, Officer and/or Manager. Providing business courtesies to or receiving business courtesies from referral sources is expressly prohibited. No one may accept cash as a business courtesy.

This policy is not intended to apply to situations that do not compromise directors, officers, key employees, or staff member, VCS, or a third party. Nor does it apply to gifts and social entertainment of nominal value that are clearly in keeping with good business ethics and that do not obligate the recipient.

6. *Confidentiality*

All VCS employees shall maintain the confidentiality of information and documents in accordance with Health Insurance Portability and Accountability (HIPAA) and related statutes. Medical, clinical

or business information shall be released only to persons authorized by law or by the client's written consent.

7. *Quality of Care*

VCS is dedicated to provide care of the highest quality to our clients, their families, and the community. In accordance with this principle, the VCS:

- a. Takes all reasonable steps to ensure clients are properly served by licensed, credentialed and/or skilled professional and para-professional employees and independent contractors.
- b. Respects the dignity and individuality of every person. Services are provided without regard to race, gender, religion, age, disability, national origin, personal appearance or sexual orientation.
- c. Shall have a grievance process for clients to report when service principles are not followed.

8. *Safety*

VCS employees shall be provided with a workplace that conforms to regulations regarding occupational health and safety. Employers are to ensure that facilities, offices, residences and buildings are well maintained and provide a high level of safety for staff and clients. Any safety concerns should be reported to a supervisor or Executive Director.

9. *Responsibilities of VCS*

- a. To hire and retain qualified individuals without regard to race, color, religion, gender, sexual orientation, national origin, age, marital status, military status, or disability.
- b. To employ individuals with the experience and provide supervision necessary to perform their duties.
- c. To screen all prospective and current employees to ensure that they have not been excluded by any regulatory agency and are eligible to perform their designated responsibilities.
- d. To train and continually educate staff responsible for coding and billing functions.

- e. To train every VCS employee on the Code of Conduct, Compliance Policies, and procedures relevant to each employee's duties and document said trainings.
- f. To encourage each VCS supervisor to create a work environment in which ethical concerns can be raised and addressed.
- g. To show proper respect and consideration to our employees regardless of position, and not to tolerate discriminatory treatment, sexual harassment, and unlawful harassment of any kind.
- h. To respect the privacy of our employees and treat salary, benefits, payroll, personnel, and information on disciplinary matters as confidential information.
- i. To monitor the effectiveness of the Corporate Compliance Program and to modify the Program as changes occur to laws, rules, and regulations.
- j. To establish internal controls to ensure the accuracy of financial statements and all other record reports.
- k. To submit accurate and complete claims for all services provided and maintain appropriate documentation to support the claims.
- l. To bill for services according to medical necessity guidelines established by the various payers.
- m. To notify payers of payment errors, correct error, and process refunds promptly and accurately.
- n. To discipline those who commit violations or who would encourage, direct, facilitate or permit either actively or passively non-compliant behavior of any aspect of the Corporate Compliance Program up to and including termination.
- o. To encourage employees to report actual or suspected improper conduct and provide means for them to do so anonymously if desired.
- p. To encourage employees to seek guidance whenever they have a question or are unsure how to act.

- q. To forbid any acts of retaliation or retribution against an employee who makes a “good faith” report of a potential violation of any law, regulation, standard, policy, or code.
- r. To periodically assess whether employees understand the Corporate Compliance Plan and the ethical standards it requires.

10. *Responsibilities of Supervisors and Managers*

- a. To set the tone and maintain a work environment that encourages ethical and responsible behavior and to establish an environment in which employees feel comfortable addressing compliance issues without fear of reprisal.
- b. To discuss the Corporate Compliance Program regularly at staff meetings, and to encourage questions from employees.
- c. To evaluate and ensure an employee’s adherence to the Corporate Compliance Program as part of the annual performance review.

11. *Responsibility of the VCS Employee*

- a. To abide by the Compliance Program and to know and follow all the rules and regulations that govern your job.
- b. To be honest and trustworthy in all relationships relative to your employment.
- c. To be reliable and efficient in carrying assignments and responsibilities given to you.
- d. To devote your full time and ability during working hours and those times where your actions are expected to match the standards put forth in the Code of Conduct
- e. To tell the truth and cooperate with any investigation of a potential compliance violation, violation of VCS procedure or policy, or other legal matter, whether investigated by VCS representatives or government authorities and regulatory agencies. Failure to cooperate will be regarded as insubordination and will result in disciplinary action.

- f. To treat your fellow employees and each recipient of VCS services with respect, dignity, patience and kindness and to never discriminate against or harass anyone on the basis of race, religion, gender, age, national origin, sexual orientation or affectation, or disability.
- g. To conduct themselves in a professional business manner. Any conduct that is considered to be hostile, verbally offensive, and disruptive to the work environment or is perceived to be intimidating, undermining to the management, or is considered blatant insubordination, will not be tolerated.
- h. To refrain from making misrepresentations (internally or externally, including social media), dishonest statements (internally or externally), or statements intended to mislead or misinform others (employees or non-employees) about the quality of VCS' services or those of a competitor or other agency in similar work provisions.
- i. To respect the privacy of our clients of services, families, fellow employees and the public.
- j. To maintain the confidentiality of recipient information and information related to VCS business operations at all times, including off-duty. This responsibility also extends past the end of your employment with VCS.
- k. No person associated in any way with VCS will solicit nor receive any payment, in cash or in kind, for the referral of clients.
- l. To refrain from providing a client, a former client, and/or a client's family member our personal contact information which may include, but not be limited to, cellular phone number, home or personal e-mail address and any other telephone numbers or means of access unrelated to VCS programs.
- m. To not make promises to clients about not sharing information a client provides to an employee within VCS programs. However, we maintain formal confidentiality in accordance with agency policy and procedures and comply with all applicable privacy and HIPAA laws.
- n. To maintain professional relationships with clients at all times.

- o. No sexual or other inappropriate relationship may exist between a staff member and another staff member who directly or indirectly oversees, supervises, manages, and/or directs said staff member. The only exemption is pre-existing and pre-employment relationships which include but are limited to couples engagement, in marriage, in civil unions, and/or in other established relationships.
- p. To not loan or give their own money or any personal items to a client, a former client, and/or a client's family member.
- q. To report any actual or potential violations of the law, this Compliance Program, or VCS policies and procedures. To comply with the investigation mechanisms set in place to follow up on suspected violations, issues, or discrepancies.
- r. To submit accurate, complete, and truthful records of your work, including but not limited to any written documentation needed to support the services you provided to the client or staff or any documentation within the agency.
- s. To submit accurate, complete and contemporaneous claims and records for all of your work related functions including but not limited to documentation of services provided, work documentation, time records, training records, educational records and to maintain appropriate and truthful documentation to support claims, services provided, and your work as an employee. Submitting inaccurate, dishonest or other fraudulent claims for billing and documentation purposes will be construed as a violation of the False Claims Act and of this Compliance Program.
- t. To comply with local, state, and federal regulations regarding government contracts and programs in which VCS participates.
- u. To use VCS equipment appropriately and to take measures to prevent unexpected loss of equipment, corruption of equipment or technology, supplies, materials or services.
- v. Employees are prohibited from responding to any requests from the media relating to their employment with or information about VCS without prior approval from the Executive Director or his/her designee.

B. Controlled Substances/Drug & Alcohol Free Work Environment

Some employees have access to prescription drugs, controlled substances, and other medical supplies. These substances are governed and monitored by specific regulatory Agencies and must be administered by a physician order only. It is vital that these items be handled properly by authorized individuals to minimize risk to VCS. Diversion of drugs from VCS should be reported immediately to your supervisor, the Corporate Compliance Officer, or Human Resources staff.

STATEMENT OF PURPOSE

VCS has a vital interest in insuring safe, healthful and efficient working conditions for our employees. In addition, as a federal grantee, we have a duty to comply with the requirements of the Drug Free Workplace Act of 1988. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, we have established, as a condition of employment and continued employment, the following drug and alcohol-free workplace policy.

POLICY

1. Prohibited Conduct

- Whenever employees are working, are in an VCS vehicle, are present on VCS premises or worksites, or are conducting VCS-related work offsite, they are prohibited from:
 1. Buying, selling, manufacturing, distributing or dispensing or attempting to buy, sell, manufacture, distribute or dispense, a controlled substance, illegal drug or drug paraphernalia
 2. Possessing, consuming or using alcohol, a controlled substance or an illegal drug
 3. Being under the influence of alcohol, a controlled substance or an illegal drug
 4. Using or being under the influence of legal drugs that are being used illegally, including but not limited to using drugs prescribed for another person
- Illegally possessing or using a drug, whether on or off VCS time or premises
- Testing positive on a drug and/or alcohol test required under this policy
- Refusing to submit to a drug and/or alcohol test or screen as directed by VCS (which includes but is not limited to refusing to sign necessary paperwork or release information regarding a required drug and/or alcohol test; failing to immediately report to the collection site; failing [without a valid medical explanation] to provide adequate specimens for testing; engaging in conduct that obstructs the testing process; and/or substitution or adulteration of a specimen)
- Violating any Agency rule or policy regarding alcohol and drug use

2. Reporting Obligation

In furtherance of VCS-wide commitment to maintaining a safe work environment, employees who have knowledge or reason to believe that a co-worker is in violation of this policy are expected to immediately contact Human Resources, or another member of management.

3. Use of Prescription and Over-the-Counter Medication

It is recognized that the use of prescription (and some over-the-counter [OTC]) drugs may affect the ability of an employee to work safely. Accordingly, employees working in safety sensitive positions who are taking prescription or over-the-counter medication must ascertain if doing so will affect his/her ability to perform the essential functions of his/her position and create a risk of harm (e.g., drowsiness or impaired reflexes or reaction time). Such employees should disclose their use of medication to their supervisor and the possible effects such medication may have on job performance, as well as the expected duration of use. Employees need not identify the medication they are taking or the underlying medical condition necessitating medication. If the medication poses a significant risk of substantial harm, the employee may be temporarily assigned different duties or provided an alternate accommodation.

VCS will not take disciplinary action against employees solely for the certified medical use of marijuana. However, like all other employees, employees who are certified patients may be subject to disciplinary action if they are under the influence of a controlled substance, including medical marijuana, on VCS property or on working time.

4. Testing

VCS may require drug and/or alcohol testing as a means of enforcing this policy:

- When a reasonable suspicion exists that an employee is working in an impaired condition or has otherwise violated this policy;
- When an accident, near-miss, or incident occurs while performing work for VCS, while on VCS premises or worksites, or operating an VCS vehicle or personal vehicle on VCS business, that gives rise to a reasonable suspicion that the accident, near-miss, or incident was due to the employee being under the influence;

- After any employee has participated in VCS' Employee Assistance Program or other rehabilitation program; and
- When otherwise required by a state or federal law or regulation.

8. *Confidentiality*

The results of drug and alcohol testing, as well as information concerning counseling or treatment, are considered confidential information. Such information will not be disclosed without a legitimate business reason or as compelled by law.

3. *Notification of Workplace Drug Conviction.*

You must notify VCS' Human Resources of any conviction under a criminal drug statute or other drug or alcohol related conviction including, but not limited to those arising out of violations occurring on VCS premises or worksites or while conducting VCS business. Such a report must be made within five (5) days of such conviction. Within ten (10) days of such notification or other actual notice, VCS will advise the contracting Agency of such conviction. After learning of an employee's conviction, VCS will promptly, in its sole discretion, discipline the employee, up to and including termination of employment; and/or require the employee to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program.

7. *Compliance as a Condition of Employment*

Full compliance with the foregoing policy is a condition of employment at VCS.

9. *Disciplinary Action*

Any employee who violates the foregoing policy shall be subject to discipline up to and including immediate termination. VCS may also bring the matter to the attention of appropriate law enforcement authorities. An employee may be in violation of this policy regardless of whether his/her conduct is illegal or whether he/she is criminally prosecuted or convicted for it.

10. Rehabilitation

VCS wishes to assist employees who recognize they may have a problem with alcohol or drug use. Employees may make a self-referral for counseling or treatment under VCS' Employee Assistance Program (EAP) or contact a Manager or Human Resources representative for assistance. Employees will be granted leave consistent with VCS' medical leave policies and procedures and applicable law. Employees who voluntarily seek assistance before violating this or any other VCS policy will not be penalized for requesting help. At the same time, a voluntary request for assistance will not protect an employee from termination or discipline where that employee has violated this or any other VCS policy.

At VCS' discretion, any employee who violates this policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to VCS' satisfaction in an approved drug and or alcohol assistance or rehabilitation program. Upon returning to work, such an employee may also be subject to periodic unannounced drug and/or alcohol testing.

DRUG-FREE AWARENESS PROGRAM

In order to maintain a drug-free workplace, VCS has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of any drug free counseling, rehabilitation and employee assistance programs and the penalties that may be imposed for violations of our drug-free workplace policy. (Such education may include: (1) distribution of VCS drug-free workplace policy at the employment interview; (2) a discussion of VCS policy at the new employee orientation session; (3) distribution of a list of approved drug assistance agencies, organizations and clinics; (4) distribution of published educational materials regarding the dangers of drug abuse; (5) reorientation of all involved employees in cases in which a drug related accident or incident occurs; (6) inclusion of the policy in employee handbooks and any other personnel policy publications; (7) lectures or training by local drug abuse assistance experts; (8) discussion by VCS safety experts on the hazards associated with drug abuse; and (9) video tape presentations on the hazards of drug abuse.)

Any questions regarding our drug-free workplace compliance efforts should be directed to the Human Resources.

D. Copyrights

Everyone will adhere to copyright law and may only make copies of such material in compliance with specific department policies or procedures and with supervisory permission.

E. Diversity, Affirmative Action, and Equal Employment Opportunity

VCS acknowledges and encourages the complement of cultures and talents that contribute to our success. VCS is committed to Affirmative Action and will comply with VCS Affirmative Action Statement and Plan. VCS will comply with all laws, regulations and policies and assure non-discrimination related to employment actions and issues of accessibility. Such actions include, but are not limited to, hiring, staff reductions, transfers, terminations, performance appraisals, recruiting, compensation, corrective action, discipline, and promotions. No one will discriminate against any individual with a disability with respect to any offer, or term or condition of employment. VCS facilities will adhere to the Affirmative Action Plan regarding accessibility. Reasonable accommodations will be made for qualified individuals with disabilities.

F. Prohibited Harassment

VCS is committed to ensuring its workplace is free of prohibited harassment and other forms of harassment because of race, color, religion, national origin, citizenship, disability, genetic information, predisposition or carrier status, military or veteran status, marital status, familial status, domestic violence victim status, gender, sexual orientation, gender identity or transgender status, age, known relationship or association with any member of a protected class, and any other classification protected by applicable law. Any such harassment or discrimination may violate the law and will not be tolerated.

This policy prohibits workplace harassment whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by persons doing business with or for VCS.

SEXUAL HARASSMENT

Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender and is defined as unwanted sexual advances, requests for sexual favors, or other sexual or gender-based visual, verbal, or physical conduct when: (1) submission to the conduct is made a term or condition of employment; (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the

individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. This definition includes many forms of offensive behavior, such as:

- unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- written conduct, such as authoring threatening, sexually suggestive, or obscene letters or correspondence (including e-mails, text messages and social media posts), invitations, etc.;
- verbal conduct such as sexual advances or propositions, making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress;
- physical conduct such as touching, assault, or impeding or blocking movements; and
- hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or status of being transgender, such as bullying, yelling, or name calling, and sabotaging or otherwise interfering with an individual's work.

Sexual harassment can occur between any individuals, regardless of their sex or gender.

In investigating reports of sexual harassment, VCS will ensure due process for all parties, as outlined below.

OTHER FORMS OF PROHIBITED HARASSMENT

Harassment on the basis of race, color, religion, national origin, citizenship, disability, genetic information, predisposition or carrier status, military or veteran status, marital or familial status, domestic violence victim status, age, known relationship or association with any member of a protected class, and any other classification protected by applicable law includes behavior similar to sexual harassment, such as:

- written conduct such as authoring threatening letters or correspondence (including e-mails, text messages and social media posts), invitations, etc.;

- verbal conduct such as threats, epithets, derogatory comments, or slurs;
- visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- physical conduct such as assault, unwanted touching, or blocking normal movement; and
- conduct via electronic media such as email, text messages or social media.

This policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise objectionable. Such behavior will be subject to disciplinary action, up to and including termination of employment.

REPORTING PROCEDURE

Anyone who feels that they have been subjected to conduct that violates this policy or who is aware of such conduct is expected to immediately report the matter to an appropriate Agency representative other than the alleged wrongdoer. Appropriate Agency representatives include the individual's supervisor, Human Resources Department, Member of the Executive Committee, or Executive Director. Reports may be submitted either verbally or in writing. A form for submission of a written report is attached to this policy and individuals are encouraged, but not required, to use this form.

As soon as a member of management is made or becomes aware of a suspected violation of this policy, they must immediately notify the Human Resources or, if the concern involves the Human Resources, the Executive Director. Any supervisor or manager who fails to report suspected violations of this policy or otherwise knowingly allows policy violations to continue will be subject to corrective action up to and including termination.

In the event an individual has a harassment or retaliation concern that directly or indirectly involving the Executive Director or otherwise reasonably believes that a report cannot be made to any of the above-referenced Agency representatives, the individual is expected to contact the President of VCS' Board of Directors.

If an individual reports a suspected violation of this policy and the person to whom the report is made does not respond in a manner the individual deems satisfactory or consistent with this policy, the reporting individual is required to report the situation to another appropriate Agency representative other than the alleged wrongdoer.

All reports of prohibited harassment will be investigated and all employees, including supervisors and managers, are required to cooperate with VCS' investigation. Investigations will be prompt and thorough, commenced immediately and completed as soon as possible and will generally include: an immediate review of the allegations and, where appropriate, interim actions; obtaining, reviewing and preserving relevant documentation; interviewing all parties involved, including relevant witnesses; and documenting the investigation and its resolution and preserving such. Upon completion of the investigation, a determination regarding the reported harassment will be made and communicated to the individual who complained, the subject of the report, and to the accused harasser(s).

Confidentiality will be maintained throughout the complaint process, to the extent practicable under the circumstances. Confidentiality cannot, however, be guaranteed.

PROHIBITION OF RETALIATION

VCS encourages individuals to express freely, responsibly and in an orderly way, opinions and feelings about any problem or complaint of discrimination, including harassment. Retaliation includes any conduct, whether or not workplace or employment-related, directed at someone because they opposed a discriminatory practice, made or encouraged another individual to make a good faith report of discrimination, or participated in an investigation or proceeding related to such a report, that might deter a reasonable worker from making or supporting a charge of harassment or discrimination.

VCS will not in any way retaliate and forbids retaliation against any individual who opposed a discriminatory practice, made or encouraged another individual to make a good faith report of discrimination, or participated in an investigation or proceeding related to such a complaint.

Retaliation is a serious violation of policy and the law, and should be reported immediately. Anyone who believes they have been subjected to retaliation or who is aware of retaliation directed at another individual is expected to report such to Human Resources or Executive Director. Any persons found to have engaged in retaliation will be subject to discipline, up to and including termination.

DISCIPLINE

Should VCS determine that this policy has been violated, it will take prompt and effective remedial action. Appropriate action will also be taken to deter any future discrimination, harassment or retaliation. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including termination. Any manager or supervisor who knew about harassment and took no action to stop it or failed to report the harassment to Human Resources may also be subject to discipline up to and including termination.

In addition, VCS will take all reasonable steps to prevent or eliminate harassment by non-employees including customers, clients, temporary Agency/contractor workers, and suppliers who are likely to have contact with our employees.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Sexual harassment is not only prohibited by VCS it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described in this policy, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which applies to employers in New York State and protects employees, paid or unpaid interns and non-employees providing services in the workplace pursuant to a contract, regardless of immigration status. A complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations. Complaining internally to your employer does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. The DHR will investigate the complaint to determine if unlawful harassment occurred. If unlawful harassment is found after a hearing, the DHR or the court may award relief, which may include requiring your employer to take action to stop the harassment, and redress the damage caused by paying monetary damages, attorney's fees and civil fines. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 www.dhr.ny.gov. The DHR can be contacted at (888) 392-3644. More information about filing a complaint is available at

dhr.ny.gov/complaint. The website has a complaint form and contact information for DHR's regional offices across New York State.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a charge with the EEOC within 300 days from the conduct giving rise to the complaint. There is no cost to file a complaint with the EEOC. The EEOC also investigates complaints, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted at 1-800-669-4000 (1-800-669-6820 (TTY)), via email at info@eoc.gov, or by visiting their website at www.eoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Many localities enforce laws protecting individuals from harassment and discrimination. An individual may contact the county, city or town in which they live to find out if such a law exists.

LIABILITY

VCS does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the termination of one's duties. Accordingly, to the extent permitted by law, VCS reserves the right not to provide a defense or pay damages assessed against employees for conduct in violation of this policy.

G. Health and Safety

VCS is committed to providing and maintaining a safe and healthful environment for each employee to work. VCS will not knowingly permit unsafe conditions to exist, nor will it permit employees to indulge in unsafe acts.

It is the policy of VCS:

- That the safety of employees is paramount.

- VCS will work to reduce the possibility of accident occurrences as much as feasibly possible.
- That VCS intends to comply with all safety laws and ordinances.
- That each employee shall be held responsible and accountable for their individual safety as well as the safety of those they are supervising or training.
- To take all practical steps to safeguard the safety and wellbeing of its employees.
- To maintain neat, clean, safe, and healthful working conditions.
- To conduct all operations safely, to prevent injuries to persons and damage to property.

Since the employee on the job is likely to be the first to encounter any unsafe conditions, employees must report any unsafe conditions immediately to their immediate supervisor or Human Resources so that they may be corrected.

Directors and managers are responsible for the working conditions within their department. A Program manager should remain alert at all times to the possibility of dangerous or unsafe conditions, so that he/she may recommend or take corrective action as appropriate, discipline employees who take part or engage in unsafe practices, assess new or changed situations for inherent dangers, and follow up on employee suggestions for corrective action so that unsafe conditions are not instituted or permitted to exist.

The joint cooperation of employees and management in the observance of this policy will provide safe working conditions and accident-free performance, and will be to the mutual advantage of all.

H. Credentials Verification

Staff employed in positions that require professional licenses, certifications, or other credentials are responsible for maintaining the current status of their credentials, and forwarding current documentation to Human Resources. These staff shall comply at all times with Federal and State requirements applicable to their respective disciplines. VCS does verification and will require proof

and documentation of all licenses, certifications, credentials and college degrees. Required proof and documentation is a condition of employment.

In addition, VCS performs diligent screening of all prospective employees, contractors, volunteers and vendors to include checking whether they have been excluded from participation in the federal healthcare programs. The LEIE, EPLS and OMIG exclusion lists are then re-checked on a monthly basis for all employees, contractors, vendors and volunteers.

J. Relationships among Staff and Other Colleagues

In the normal day-to-day functions of VCS, there are issues that arise which relate to how people in VCS deal with one another. It is impossible to foresee all of these, and many do not require explicit treatment in a document like this. A few routinely arise, however. One involves gift giving among staff members for certain occasions. While we wish to avoid any strict rules, no one should ever feel compelled to give a gift to anyone and any gifts offered or received should be appropriate to the circumstances. A lavish gift to anyone in a supervisory role would clearly violate VCS policy. Another situation, which routinely arises, is a fund-raising or similar effort, in which no one should ever be made to feel compelled to participate.

K. Relationships with Subcontractors, Suppliers, and Educational Institutions

Relationships with subcontractors and suppliers should be fair, reasonable, and consistent with all applicable laws and good business practices. Competitive procurement to the maximum extent practicable is expected. Selection of subcontractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance of adequate sources of supply. Purchasing decisions will be made based on the supplier's ability to meet VCS needs and not on personal relationships and friendships. The highest ethical standards will be utilized in source selection, negotiation, determination of contract awards, and the administration of purchasing activities. VCS will not communicate to a third-party confidential information provided by our suppliers unless directed to do so in writing by the supplier. VCS will not disclose contract pricing and information to outside parties. VCS will provide subcontractors and suppliers with a copy of this Code. Subcontracts and suppliers are expected to comply with this Code.

Relationships with educational institutions will be in writing and will define both parties' roles and responsibilities.

L. Training and Education

VCS provides training that will assure all mandatory training, including mandatory Code of Conduct training, is available to staff. Training will be documented, reviewed, and revised as necessary, to include issues raised by compliance reporting data. The Code of Conduct and related training and education will be provided at orientation and on a periodic basis. VCS is committed to assuring that staff receives appropriate training and education based on job duties and responsibilities.

VCS'S CORPORATE COMPLIANCE PROGRAM

A. Program Structure

The Corporate Compliance Program is intended to clearly demonstrate the absolute commitment of VCS to the highest standards of ethics and compliance. This commitment permeates all levels of VCS and all individuals associated with VCS who in turn will, at all times, act in a way to meet the requirements of the mandatory compliance program law and regulation. Conduct contrary to the aforementioned expectation will be considered a violation of the compliance program, and related policies and procedures and will be subject to discipline as stated below. The Corporate Compliance Committee includes the Corporate Compliance Officer, and representatives from the Board of Directors, Human Resources, Finance, Quality Assurance, and managers. All of these individuals are prepared to support the standards documented in this Code. A list of current members of the Corporate Compliance Committee will be posted at all VCS facilities. The Committee maintains compliance and investigations, provides VCS' Board of Directors with annual and any necessary periodic reports to aid in oversight of the Compliance Program, and maintains VCS' compliance documentation. This program will be reviewed at least annually for consistency, effectiveness and scope.

B. Resources for Guidance and Reporting Violations

Everyone may obtain guidance on ethics or compliance issues or report suspected violations through several options. Resolutions of issues at the lowest level possible are always encouraged. It is expected practice to raise concerns with your supervisor first. If this is uncomfortable or inappropriate, another option is to discuss the situation with another member of management, with the Corporate Compliance Officer, with Human Resources staff, or with any member of the Corporate

Compliance Committee. Supervisors and others who receive reports are required to bring the issues to the Compliance Officer. Everyone is free to contact VCS anonymous hotline at extension 340. Every effort will be made to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports possible misconduct or violations of this Code. VCS will not tolerate retaliation or discipline for anyone who reports a possible violation in good faith. Anyone who deliberately makes a false accusation will be subject to appropriate discipline pursuant to VCS policies. However, prompt and forthright disclosure of an error by an employee, even if the error constitutes inappropriate or inadequate performance, will be considered a positive constructive action by the employee.

C. Policy of Non-intimidation and Non-retaliation (Whistleblower Policy)

VCS has a policy of non-intimidation and non-retaliation against individuals for good faith participation in the Compliance Program, including but not limited to:

1. Reporting potential issues,
2. Investigating issues,
3. Self-evaluations,
4. Audits,
5. Remedial actions, and
6. Reporting to appropriate officials as provided in sections 740 and 741 of the NYS Labor Law

All VCS Directors, Officers, Employees, contractors, interns and volunteers shall be allowed to freely discuss and raise questions to supervisors or to the appropriate personnel about situations they feel are in violation of federal and state law, VCS policy, and/or regulatory requirements. No Directors, Officers, Employees, Interns or Volunteers of VCS who in good faith report any action or suspected action taken by or within VCS that is illegal, fraudulent, or in violation of any adopted policies shall suffer intimidation, harassment discrimination, or other retaliation or, in the case of employees, adverse employment consequences. Any violations of this policy should be immediately reported to the Corporate Compliance Officer, who will administer this policy and preserve the confidentiality of reported information. Reports may be made in person, by phone, letter, email, or by calling the

designated hotline. The Corporate Compliance Officer will report to the Board any violations of this policy. A copy of the Whistleblower Policy shall be distributed to all Directors, Officers, Employees, and Volunteers who provide substantial services to VCS.

D. Personal Obligation to Report

VCS is committed to ethical and legal conduct that is compliant with all relevant laws, regulations, and funding source requirements, and to correcting wrongdoing wherever it occurs in VCS. Everyone: employees; executives; Board Members; and all persons associated with the Agency have an individual duty and responsibility to report any activity by any staff, Board Member, contractor, subcontractor, vendor, or other party that appears to violate, or might violate applicable laws, rules, regulations, or this Code. Anonymous and confidential reporting can be made by contacting VCS' anonymous hotline at 340.

E. Internal Investigation of Reports

VCS is committed to resolve confirmed compliance problems and will appropriately investigate and resolve all problems/ concerns promptly and thoroughly. The Corporate Compliance Officer will sufficiently detail the results of investigations and root cause analyses to identify who the participants are and who may be encouraging, directing, facilitating, or permitting Non-Compliant behavior. The Compliance Officer will coordinate any findings from the investigations and immediately recommend and implement corrective action, discipline or changes that need to be made to policies, procedures and business practices based on those findings. Results will be reported to the Executive Director and the Board of Directors. When the reporting party is known, information about the disposition of the report will be relayed back to that individual.

Investigations which involve a member of the Board of Directors will be conducted by the Board President in cooperation with the Compliance Officer. In the event the Board President is the subject of the investigation, the investigation will be conducted by the Vice President of the Board in coordination with the Compliance Officer.

VCS expects everyone to cooperate with investigation efforts.

F. Corrective Action

When an audit or internal investigation results in a substantiated finding, it is the policy of VCS to initiate corrective action in a prompt and thorough fashion; including, as appropriate, making prompt

restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting any disciplinary action warranted and administered according to policies and implementing systemic changes to prevent a similar violation from recurring. The Compliance Officer will monitor the effectiveness of implemented plans of correction.

G. Discipline

All violations of the Code which includes failure to report suspected problems, participation in non-compliant behavior or encouraging, directing, facilitating or permitting, either actively or passively, non-compliant behavior will be subject to appropriate disciplinary action pursuant to VCS policies. Compliance related discipline applies to all associated individuals, will be fairly and firmly enforced and may include the following:

- Verbal reprimand
- Written reprimand
- Suspension
- Termination of employment or relationship with Agency
- Restitution
- Referral for criminal investigation/prosecution
- Civil litigation/action

H. Internal Audit and Other Monitoring

VCS is committed to appropriate, consistent monitoring of compliance with its policies. The Corporate Compliance Officer, Committee and/or the appropriate directors and managers will conduct monitoring of policies as well as monitoring of corrective actions plans which have been implemented. All monitoring will be conducted according to established policies, procedures and schedules. VCS routinely seeks other means of assuring and demonstrating compliance with laws, regulations, funding requirements, and VCS policy.

I. Acknowledgement Process

VCS requires all employees, interns, volunteers, Board Members, subcontractors, independent contractors, agents, or other individuals to sign an acknowledgement confirming they have received the Code and understand that it represents mandatory policies of VCS. New employees will be required to sign this acknowledgement as a condition of employment. Adherence to and support of this Code of Conduct and participation in related activities and training is required.

VCS Inc

Corporate Compliance Plan Acknowledgement

I hereby acknowledge that I have received a copy, read and understood the VCS Corporate Compliance Plan. I agree to abide by the standards, policies and procedures set forth in the plan and that I will promptly report any issues that I know or suspect to be in violation of the Plan.

Please complete the areas below and return this sheet to the Corporate Compliance Department.

Name (please print) _____

Signature

Date

Below to be completed by Corporate Compliance Department:

Cc. File