

Circare

Compliance Program Non-Intimidation and Non-Retaliation Policy

Circare recognizes that a critical aspect of its corporate compliance program is to establish and sustain a culture that promotes the prevention, detection, and remediation of compliance problems. To promote this culture, the agency has established a compliance reporting process and a strict non-intimidation and non-retaliation policy to protect those who report compliance problems in good faith from intimidation and retaliation.

DEFINITIONS

Intimidation means any act to manipulate an individual or intentionally cause feelings of fear or inadequacy. It is not easy to define exactly what actions or course of conduct will constitute intimidation in any particular case because it will depend on the specific facts and circumstances.

Retaliation means any adverse action against the individual because of the individual's good faith report of a compliance concern or participation in a compliance investigation. An adverse action includes, without limitation:

- (i) Termination, demotion, suspension, refusal to hire, and denial of training and/or promotion;
- (ii) Actions affecting employment or contractual relationships such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance or scrutiny; or
- (iii) Any other actions that are likely to deter a reasonable individual from reporting illegal conditions, violations of law, rules, policies, or procedures, and/or cooperating in/with an investigation.

Good faith means that reports are made honestly and to the best of the reporter's knowledge and that the reporter is seeking to preserve the integrity of self, the agency's workforce, individuals served by the agency, the involved department or program, the agency itself, and the overall service system.

POLICY

It is the policy of Circare to prohibit intimidation of and retaliation against any individual who participates in good faith in the Circare Compliance Program. Specific areas of protection include, but are not limited to, seeking compliance advice, reporting a compliance issue, concern or violation, participating in a compliance investigation, self-evaluation, audit, or corrective action, and reporting to appropriate officials as allowed by New York State Labor Law §§ 740 and 741. Intimidation or retaliation against any individual who participates in good faith in the Compliance Program by any member of the Circare workforce — agency, state, contract, and temporary employees, Board of Directors, interns, volunteers, vendors, contractors, and consultants — will not be tolerated and is subject to disciplinary action up to and including termination from the Circare workforce.

A person may become a whistleblower and notify the government of known or suspected fraudulent activity at Circare. Under both federal and state law, Circare — and its workforce — are prohibited from retaliating against individuals who notify the government of potential violations. Also, under these statutes, the person who reported the fraudulent behavior may receive a portion of monies recovered or penalties paid in the recovery of false or fraudulent claims. Intimidation of or retaliation against anyone who in good faith reports potential fraud, waste or abuse to a governmental authority is strictly prohibited and subject to disciplinary action up to and including termination from the Circare workforce.

If a member of the Circare workforce believes in good faith that he or she has been intimidated or retaliated against for participating in the Compliance Program, the individual should immediately report the intimidation or retaliation to the Compliance Officer or the Compliance Hotline. The report should include a thorough account of the incident and should include names, dates and specific events, the names of any witnesses, and identify any physical or electronic evidence that supports the alleged retaliation or intimidation. Additionally, knowledge of a violation or potential violation of this policy must be reported directly to the Compliance Officer or the Compliance Hotline.