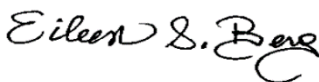
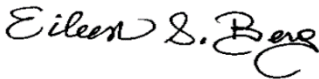


POLICY & PROCEDURE

TITLE: Discipline and Enforcement of Compliance Standards

APPROVAL DATE OF CORPORATE COMPLIANCE COMMITTEE: 04/26/2024	SIGNATURE OF CORPORATE COMPLIANCE COMMITTEE CHAIR: 
APPROVAL DATE OF POLICY REVIEW COMMITTEE: 04/26/2024	EFFECTIVE/IMPLEMENTATION DATE: 04/26/2024
SIGNATURE OF POLICY REVIEW COMMITTEE CHAIR: 	

BACKGROUND, PURPOSE & RATIONALE:

Birch Family Services (herein referred to as Birch or the Corporation) is committed to conducting its business ethically and in conformance with all Federal, State and local laws, regulations, interpretations thereof, and the Corporation’s Standard /Code of Conduct and Business Ethics. This includes, but is not limited to, Social Service Law 363-D and 18 NYCRR Part 521.

To support this commitment, Birch has developed procedures for disciplinary actions to be taken for:

- illegal or unethical acts,
- violations of Federal, State or local laws and regulations,
- violations of the Standard / Code of Conduct and Business Ethics,
- violations of the Compliance Program,
- violations of Birch’s policies and procedures,
- improper acts in the delivery or billing of services and
- other wrongdoing, collectively referred to as “compliance violations” for purposes of this Policy by Affected Individuals.

For the purposes of this Policy, the term “Affected Individuals” includes all employees, interns, volunteers, and independent contractors. Performance issues and or violations of any regulation or policy committed by a temporary employee, will be reported to the contracted vendor who will be responsible to address such with their employee. Birch will not utilize the services of the involved temporary staff for which there is a substantiated compliance violation.

POLICY STATEMENT:

It is Birch's Policy to ensure that:

1. Affected Individuals who, upon investigation, are found to have committed compliance violations will be subject to appropriate disciplinary action, up to and including termination of employment, contract, assignment, or appointment with Birch.
2. The following actions shall result in disciplinary action:

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- Authorization of or participation in actions that violate Federal, State or local laws, regulations, the Birch Compliance Program, Birch Standard / Code of Conduct and Business Ethics, or any related Birch compliance policies and procedures;
 - Failure to comply with the Corporation's policies governing the prevention, detection, or mandated reporting of fraud and /or abuse;
 - Falsification of records of any type;
 - Submitting or causing to submit a false claim;
 - Failure to report a violation by anyone;
 - Failure to cooperate in an investigation including participation in interviews and providing written statement(s);
 - Obstruction during an investigation includes, but not limited to destruction of relevant records, giving false testimony in an investigation and/or persuading other interviewees as to what information they should disclose during the investigation.
 - Retribution, retaliation, or intimidation against a person for reporting or intending to report a possible compliance violation or for participating in an investigation. Refer to the Non-Retaliation and Non-Intimidation Whistleblower Protection Policy.
3. Birch will apply progressive discipline consistent with the violation and the Corporation's Progressive Discipline Policy. Examples of the disciplinary action that may be taken in accordance with the nature and scope of the infraction include but are not limited to: (a) verbal counseling or warning; (b) counseling with written warning; (c) retraining; (d) reassignment or demotion; (e) suspension without pay; and (f) termination of employment, contract, assignment, or appointment. Birch will consider intentional or reckless behavior as being subject to more significant disciplinary action.
4. The Compliance Officer will be responsible for assuring that disciplinary actions related to compliance violations are consistent with actions taken in similar instances of non-compliance and that the same disciplinary action applies to all levels of Affected Individuals.

PROCEDURES:

1. All reports of compliance violations are to be reported to the Compliance Officer in accordance with the Birch Compliance Plan, Standard / Code of Conduct and Business Ethics and the Reporting and Investigation of Compliance Concerns Policy and Procedure.
2. To the extent possible, disciplinary action for employees will be taken in accordance with the Corporation's Human Resource Employee Handbook Manual and/or any Collective Bargaining Agreement.

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3. When the determination is made that a compliance violation by an Affected Individual has occurred, the Compliance Officer will notify the Chief Executive Officer and/or executive designee, the appropriate department/program administrator and HR Administrator who will inform the employee's supervisor. Legal counsel may be consulted, as appropriate or warranted.
4. When the determination is made that a compliance violation by a Board member or a Corporate Officer has occurred, the Compliance Officer will notify the Chief Executive Officer and the Chair of the Board. If the Chair of the Board is implicated in the violation, the Compliance Officer and Chief Executive Officer will work with the Audit Committee of the Board of Directors and the Board of Directors to determine and execute appropriate disciplinary action. Legal counsel may be consulted, as appropriate or warranted.
5. When the determination is made that a compliance violation by the Chief Executive Officer has occurred, the Compliance Officer will notify the Chair of the Board in order to determine and execute appropriate disciplinary action. Legal counsel may be consulted, as appropriate or warranted.
6. When the determination is made that a compliance violation occurred involving a contractor or vendor, the Compliance Officer will notify the Chief Executive Officer and CFO and work collaboratively to determine and execute the appropriate corrective action.
7. The Compliance Officer and Senior Vice President of Human Resources will work in collaboration with the appropriate department administrator & supervisor/manager in determining and executing the disciplinary action related to a compliance violation by an employee. The Compliance Officer shall have the discretion to recommend a disciplinary process other than the normal procedure.
8. The Compliance Officer and/or Senior Vice President of Human Resources shall consult with the Corporate Compliance Committee, the Chief Executive Officer and legal counsel, as necessary to determine the appropriate disciplinary action to be taken.
9. Discipline will be appropriately documented in the disciplined employee's personnel file, along with a written statement of reason(s) for imposing such discipline. Such documentation will be considered during the employees' regular and promotional evaluations.
10. The Compliance Officer shall maintain a written record of all disciplinary actions taken against Affected Individuals for compliance issues, including verbal warnings, and will reference these records when necessary to ensure consistency in the application of disciplinary measures.
11. The Compliance Officer shall report regularly to the Corporate Compliance Committee, the Audit Committee and the Board of Directors, regarding such actions.
12. Non-compliance with this policy may result in disciplinary action, up to and including termination.