

Citizens Options Unlimited, Inc.

Policy Name: WHISTLEBLOWER: NON-INTIMIDATION / NON-RETALIATION POLICY		
Section #	Policy #	Approval Required: <input checked="" type="checkbox"/> Executive Director <input checked="" type="checkbox"/> Board of Directors
Department(s): Compliance		

Purpose for Policy:

Citizens Options Unlimited, Inc. (hereafter known as the Agency) requires directors, officers, employees, independent contractors and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Agency, all must practice honesty and integrity in fulfilling responsibilities and complying with all applicable laws and regulations.

Applicability: Board members, officers, employees (current and former), independent contractors and volunteers

Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable Board members, officers, employees (both current and former), independent contractors and others to raise concerns so that the Agency can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees, independent contractors and volunteers to report concerns about violations of the Agency's code of ethics or suspected violations of law or regulations that govern the Agency's operations. Any person who knowingly files a false report of a violation or suspected violation will be subject to disciplinary action up to and including termination of employment and/or contract.

New York Labor Law §740

An employer may not take any retaliatory action or threaten to take any retaliatory action against an employee, defined to include current and former employees and independent contractors, if the employee discloses or threatens to disclose information about the employer's policies, practices or activities to a supervisor, a regulatory, law enforcement or other similar agency or public official, which the employee reasonably believes constitutes a violation of a law, rule, regulation, executive order or any judicial or administrative decision, ruling or order, or that there is a substantial and specific danger to the public health or safety. Retaliation includes, but is not limited to, an adverse employment action such as discharge, suspension or demotion, or contacting immigration authorities regarding the employee's or the employee's family members' immigration status. The employee's disclosure is protected only if the employee has made a good faith effort to notify the employer of the complained of conduct by bringing it to the attention of a supervisor and giving the employer a reasonable opportunity to correct it unless a) the employee reasonably believes that reporting it to the employer would result in the destruction of evidence or other concealment of the activity, practice or policy; b) if the actual practice or policy could reasonably be expected to lead to endangering the welfare of a minor; c) the employee reasonably believes that reporting it to the employer would result in physical harm to the employee or any other person; or d) the employee reasonably believes the employer is aware of the activity, policy or practice, and will not correct it. If an employer takes a

retaliatory action against the employee, the employee may, within two (2) years, commence an action in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits, attorneys' fees, and civil and punitive damages.

New York Labor Law §741

A health care employer may not take any retaliatory action or threaten to take any retaliatory action against an employee, defined to include current and former employees and independent contractors, if the employee discloses or threatens to disclose information about the employer's policies, practices or activities to a supervisor, a regulatory, law enforcement or other similar agency or public official, a news media outlet, or a social media forum available to the public at large, that the employee, in good faith, reasonably believes constitutes improper patient care or improper quality of workplace safety. Retaliation includes, but is not limited to, an adverse employment action such as discharge, suspension or demotion, or contacting immigration authorities regarding the employee's or the employee's family members' immigration status. The employee's disclosure is protected 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 a health care employer takes a retaliatory action against the employee, the employee may, within two (2) years commence an action in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits, attorneys' fees, and civil and punitive damages.

Reporting Procedure

The Agency has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor and/or their program director. If a person is not comfortable speaking with their supervisor or program director, or is not satisfied with their supervisor's or program director's response, the person is encouraged to communicate with the Corporate Compliance Officer or to report your concern or complaint through the Agency Compliance Hotline.

Employees, directors, officers, independent contractors and volunteers are required to report any known or suspected violations of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any of the laws, rules or regulations by which the Agency is governed, to their supervisor, their program director, the Corporate Compliance Officer or through the Agency's Compliance Hotline. Any supervisor or program director who receives a report of a suspected violation shall immediately notify the Agency's Corporate Compliance Officer.

Confidentiality

Any employee, director, officer independent Contractor or volunteer may make reports pursuant to this policy confidentially or anonymously. The Agency has established and maintains a confidential telephone number [516-686-4450] to receive reports of complaints. The identity of a whistleblower will be kept confidential and only disclosed with the consent of the whistleblower, to comply with law or when extraordinary circumstances exist. In the latter case, the decision to disclose the identity of whistleblowers rests with the Agency's Compliance Officer.

All investigations of reported matters will be conducted in a confidential manner so that information will be disclosed only as needed to facilitate review of the investigation or otherwise as required by law.

Compliance Officer

The Agency's Compliance Officer is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The Compliance Officer will advise the Executive Director and/or the Board of Directors of all complaints and their resolution and will report at least annually to the Compliance Committee (made up of independent directors) on compliance activity relating to such reports.

Handling of Reported Violations

When possible, the Agency's Compliance Officer will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

<u>Person(s)</u>	<u>Responsibility</u>
Current and former Agency personnel, independent contractors and volunteers	Employees, directors, officers, independent contractors and volunteers are required to report or make a good faith effort to report any known or suspected violations of the Corporate Compliance Plan, Code of Conduct, policies and procedures or any of the laws, rules or regulations by which the Agency is governed, to their supervisor, their program director, the Corporate Compliance Officer or through the Agency's Compliance Hotline; unless there is imminent and serious danger to public health, the employee reasonably believes reporting of the violation to the employer would result in the destruction of evidence, concealment, or harm to the employee; or the employee reasonably believe that their supervisor is already aware of the violation and will not correct it. Any supervisor or program director who receives a report of a suspected violation shall immediately notify the Agency's Corporate Compliance Officer.
Corporate Compliance Officer, Executive Director, Board of Directors	The Agency's Corporate Compliance Officer is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. The Corporate Compliance Officer will advise the Executive Director and/or the Board of Directors of all complaints and their resolution and will report at least annually to the Board Corporate Compliance Committee (made up of independent directors) on compliance activity relating to such reports
Corporate Compliance Officer	When possible, the Agency's Corporate Compliance Officer will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Corporate Compliance Officer, Senior Director of Human Resources or designee	Anyone found to have intimidated, threatened retaliation or who have actually retaliated against a whistleblower will be subject to appropriate disciplinary action, up to and including, termination
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Executive Director Approval


Board of Directors Approval

Date of Initial Adoption	2-17-22
Date of Last Review	
Date of Last Revision	
Date of Discontinuation	