

The Arc Jefferson - St. Lawrence New York POLICY AND PROCEDURE	POLICY #: 507A	REVISION #/DATE: No. 1, 02/2023
BOARD APPROVAL DATE: 3/25/2021	DATE ISSUED:	EFFECTIVE DATE: 1/1/2019
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Corporate Compliance Plan

Element 6 Discipline and Incentive Program

1. Policy: The Arc Jefferson - St. Lawrence is committed to creating and fostering a culture in which compliant behavior is encouraged and rewarded so that when instances of noncompliant behavior occur, the Agency can respond swiftly and seriously. Affected Individuals (all persons who are affected by our risk areas, including employees, the CEO, other senior administrators, managers, people supported, contractors, agents, subcontractors, independent contractors, the governing body, corporate officers, and people supported) who, upon investigation, are found to have committed violations of applicable laws and regulations, the Corporate Compliance Plan, the Code of Conduct or the policies and procedures will be subject to appropriate disciplinary action, up to and including termination.
2. Scope: This policy applies to all affected individuals of The Arc Jefferson - St. Lawrence. Disciplinary actions applicable to the Board of Directors will be handled in accordance with the Board's governing documents (i.e., By-Laws).
3. Procedure:

A. Discipline

- Violations Resulting in Disciplinary Action: Examples of when disciplinary actions may be taken include:
 1. Authorization of or participation in actions that violate law, regulations and the Corporate Compliance Plan, including the Code of Conduct and all related policies and procedures;
 2. Failure to report any violation of a peer or a subordinate;
 3. Failure to cooperate in an investigation;
 4. Retaliation against an individual for reporting a possible violation;
 5. Failure to act as an honest, reliable and trustworthy service provider;

B. Determining Appropriate Disciplinary Action

- Factors that may be considered in determining the level of disciplinary action to be taken include:
 1. Whether the violation was committed knowingly;
 2. Whether the individual lied or was otherwise dishonest during the investigation;
 3. Whether there was a pattern of misconduct;
 4. Whether the individual attempted to cover up the violation;
 5. Whether the violation involved retaliation against other persons who reported violations in good faith;
 6. Whether the employee deliberately failed to check whether a particular course of action was prohibited;
 7. Whether the violation was criminal in nature;
 8. Whether the individual cooperated with the investigation of the violation;
 9. Whether the individual received personal benefit;

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10. Whether the individual voluntarily reported the violation;
11. Whether the seriousness of the damage caused by the violation; and
12. Whether a person supported was or could have been harmed as a result of the violation.

- The Arc Jefferson - St. Lawrence will apply progressive discipline consistent with the violation.
- The Corporate Compliance Officer and/or the Chief Human Resource Officer will consult with the Chief Executive Officer and Counsel as appropriate, to determine the response to a violation, including those by affected individuals.

C. Similar Punishment for Similar Offenses

- Throughout the process of determining the appropriate disciplinary action to be taken in each instance of non-compliance, the Corporate Compliance Officer and/or the Chief Human Resource Officer will be responsible for ensuring that the disciplinary action to be taken is consistent with that taken in similar instances of non-compliance.

D. Collaboration between the Corporate Compliance Officer and Chief Human Resource Officer

- To the extent possible, disciplinary action shall be taken in compliance with The Arc Jefferson – St. Lawrence’s Corrective Action Policy. In addition, when the conduct is related to a serious violation of compliance-related standards, the Compliance Officer and the appropriate supervisor/manager will meet to discuss any appropriate disciplinary actions. The Corporate Compliance Officer shall have the discretion to recommend a disciplinary process other than the normal procedure.
- The Corporate Compliance Officer shall serve as a liaison with the Chief Human Resource Officer in developing policies and procedures related to disciplinary actions. The Chief Human Resource Officer will consult with the Corporate Compliance Officer on all matters related to the implementation of an effective Corporate Compliance Program. The Chief Human Resource Officer is responsible to report to the Corporate Compliance Officer those disciplinary actions taken as a result of violations of the Corporate Compliance Plan.

1. Other Affected Individuals

- The Corporate Compliance Officer shall serve as a liaison with the Chief Human Resource Officer who is responsible for the engagement with an other affected individual who has committed a violation as described in this policy. The Administrator is responsible to report to the Corporate Compliance Officer when an independent contractor commits a violation.

2. Reports to the Board and/or the Corporate Compliance Committee

- When determination is made that a compliance violation has occurred, the Corporate Compliance Officer will notify the Chief Executive Officer and the individual’s

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supervisor or contracting contact. If appropriate, the Compliance Officer may wish to notify the Board or the Compliance Committee before the next regularly scheduled meeting when a full report would otherwise be presented and, as necessary, consult with the Committee prior to the determination of disciplinary action.

3. Documentation of Disciplinary Action

- Documentation of disciplinary measures for violations will be retained in the affected individual's file and will be considered during performance reviews.
- The Corporate Compliance Officer will maintain records of all disciplinary actions, including verbal warnings, taken for compliance violations along with the nature of the violation and will reference these records as necessary to ensure consistency in application.

4. Incentive Programs for Compliant Behavior

- As part of The Arc Jefferson – St. Lawrence's commitment to recognizing those who are exemplary in compliance with the agency's Corporate Compliance Plan, the following incentives may be used to encourage and reward affected individuals' behavior:
 - ✓ Staff appreciation and recognition programs for meeting goals and objectives;
 - ✓ Situation-specific recognitions of staff contributions or assistance, including special awards;
 - ✓ Handwritten notes of appreciation from supervisors, managers and/or the Compliance Officer;
 - ✓ Public recognition in the agency newsletter or community newspaper;
 - ✓ Celebration of successes (e.g., a great audit);
 - ✓ Performance reviews and positive feedback;
 - ✓ Continuing education opportunities;
 - ✓ Serving as a verification of good services provided by a service provider; and
 - ✓ Continued use of a contractor's services