



# **HUMAN FIRST, Inc.**

## **Code of Ethics and Business Code**

**April 2018**

## TABLE OF CONTENTS

The Organization .....	3
Organization Vision and Mission Statement .....	3
Organization Principles .....	3
Build Trust and Credibility .....	3
Respect for the Individual .....	3
Create a Culture of Open and Honest Communication .....	4
Reporting a Complaint/False Claims Act (Whistleblower) Policy .....	4
What is False Claim Laws .....	5
The Federal False Claim Act .....	5
The New York State False Claim Act .....	5
Employee Conduct Statement .....	5
Set Tone at the Top .....	6
Uphold the Law .....	6
Competition .....	6
Proprietary Information .....	7
Selective Disclosure .....	7
Health and Safety .....	7
Conflicts of Interest .....	7
Credentials .....	8
Gifts, Gratuities, and Business Courtesies .....	8
Accepting Business Courtesies .....	8
Meals, Refreshments, and Entertainment .....	9
Business Courtesies for Referrals/Gifts .....	9
Offering Business Courtesies .....	9
Sexual Harassment .....	10
Accurate Public Disclosures .....	10
Corporate Recordkeeping .....	11
Accountability .....	11
Confidential and Proprietary Information .....	11
Use of Company Resources .....	12
Media Inquiries .....	12
Falsification of Records .....	12
Information Security .....	12
Your Responsibilities .....	13
Do the Right Thing .....	13
Violations of Policy .....	13
Information and Resources .....	14
Reports and Periodic Reviews .....	14
Employee's Acknowledgement .....	15



## **The Organization:**

**Human First, Inc** is a Not-For-Profit human services organization, whose mission is to provide greater opportunities for people with developmental disabilities in reaching their personal goals. **Human First, Inc.** is a social service agency with experience in serving individuals who have a variety of challenging conditions; our multilingual staff is the key to our success. “Quality of Life is our First Priority.”

## **Organization Vision and Mission Statement:**

Everyone, regardless of race, religion, color, gender, age, sexual orientation, or disability deserves the same opportunities to take their place as productive members of society. The individuals we serve deserve genuine caring and excellent service. We want not only to develop programs that serve the under-served in hard to serve communities, but to increase public awareness of their individualized needs.

## **Organization Principles:**

### **Board of Directors:**

Ann Hill, President

Shann Bernard, Secretary

Steve Rodriguez, Treasurer

Gary Geresi, Member

### **Chief Executive Officer**

Cheryelle Cruickshank

## **Build Trust and Credibility:**

The success of our organization is dependent on the trust and confidence we earn from our employees, individual(s) and their family members. We gain credibility by adhering to our commitments, displaying honesty and integrity and reaching Agency goals. It is easy to *say* what we must do, but the proof is in our *actions*. Ultimately, we will be judged on how we serve our community.

## **Respect for the Individual:**

Human First is an equal employment action employer and is committed to providing a workplace that is free of discrimination. Any employee who feels harassed or discriminated against should report the incident to his or her immediate supervisor and/or to Human Resource department.

### **Create a Culture of Open and Honest Communication:**

At Human First everyone should feel comfortable to speak his or her mind, particularly with respect to ethical concerns. Managers have a responsibility to create an open and supportive environment. We all benefit tremendously when employees exercise their power to prevent mistakes or wrongdoing by asking the right questions at the right times.

Human First will investigate all reported instances of questionable or unethical behavior, including allegations of sexual harassment and discrimination or any other unethical behavior. In every instance where improper behavior is found to have occurred, the organization will take appropriate action. Human First will not tolerate retaliation against employees who raise genuine ethics concerns in good faith.

### **Reporting a Complaint/False Claims Act (Whistleblower) Policy:**

Policy: Human First has established a system-wide policy to inform and educate the Agency community (including, but not limited to employees, Board of Trustees, Management, Volunteers, Contractors and/or Agents) about the role of the Federal False Claims Act and similar laws in compliance with the Deficit Reduction Act of 2005, Section 6032 and to affirm CHS commitment to detect and prevent fraud, waste and abuse.

#### Procedure to Follow in Regards to Reporting a Complaint:

- A. Human First is committed to comply with all applicable laws and regulations. Human First established its Corporate Compliance Program, Code of Conduct, policies and procedures, training and education and auditing and monitoring as an expression of our commitment to uphold ethical and legal behavior.
- B. Human First staff, independent contractors and volunteers must abide by Human Services Inc., Code of Conduct which includes abiding by the requirements of Medicare, Medicaid, and other federal health care programs. This involves maintaining proper patient and business records and following truthful and accurate coding and billing practices.
- C. The Human First community should contact one of the following resources available within Human First if they have knowledge or concern regarding a potential false claim:
  - i. Speak with Supervisor; or
  - ii. Contact the Corporate Compliance Officer; or
  - iii. Report a concern anonymously by calling the Corporate Compliance Hotline at **866-927-9976**. The hotline is a confidential service available 24 hours a day, seven days a week.
  - iv. The Corporate Compliance Hotline is monitored by the Corporate Compliance Officer. Action on complaints will be processed
- D. Human First policy strictly prohibits retaliation, in any form, against any individual making a report by internal or external mechanisms in good faith.

## **What is False Claim Laws?**

The false claims laws are designed to prevent and detect fraud and abuse in government healthcare programs. They do this by authorizing the government to bring civil action to recover damages and penalties from, and criminal actions to prosecute, healthcare providers that submit false claims. Some of these laws also allow lay people to bring lawsuits on behalf of the government against such providers.

**The Federal False Claims Act** (31 United States Code Sections 3729-33) is an anti-fraud law. Violations of the False Claims Act can include “knowingly” (1) submitting a false claim for payment, (2) making or using a false record or statement to obtain payment for a false claim, (3) conspiring to make a false claim or to get one paid, or (4) making or using a false record to avoid payments to the U.S. Government. “Knowingly” means a person: (1) has actual knowledge the information is false, (2) acts in deliberate ignorance of the truth or falsity of the information, or (3) acts in reckless disregard of the truth or falsity of the information. Examples of potential false claims could be billing for services that were not provided or making false statements to inappropriately increase payments for products or services provided.

**The New York State False Claims Act:** Article XIII, Section 187. Short Title. 188. Definitions. 189. Liability for Certain Acts. 190. Civil Actions for False Claims. 191. Remedies of Employees. 192. Limitation of Actions, Burden of Proof. 193. Other Law Enforcement Authority and Duties. 194. Regulations.

Employees are encouraged, in the first instance, to address such issues with their supervisors or the Corporate Compliance Officer, as most problems can be resolved swiftly. If for any reason that is not possible or if an employee is not comfortable raising the issue with his or her supervisor or the Corporate Compliance Officer, the Chief Executive Officer may be contacted for resolution.

## **Employee Conduct Statement**

1. Employee shall support the rights and dignity of the clients.
2. Employees shall not engage in any activity that constitutes abuse of clients as defined in the regulations of OPWDD.
3. There shall be no discriminatory activity against clients for any reason, including race, religion, national origin, creed, age, ethnic background, developmental disability or other handicap.
4. There shall be no use of corporal punishment upon clients.
5. Clients shall not carry out the duties of employees unless such tasks are described in the client’s plan of services by the client’s program planning team for the purpose of increasing the client’s skills.
6. Employees shall not distribute, sell, possess, purchase or consume illegal substances or alcohol while in the work place or while performing in a work related capacity.
7. Employee shall not come to work, or work, if their ability to perform their job is impaired due to the use of alcohol, a controlled substance, and illegal substance, or prescribed medication.
8. There shall be no personal financial transactions between employees and clients which may be construed as client exploitation or result in greater benefit to the employee or volunteer than that of the client.
9. Firearms or other weapons are forbidden on the grounds of the facility or within the facility.

10. Employees shall treat all clients' information as confidential and utilize such information in a professional manner at all times.
11. Employees shall attest that he or she shall not have been convicted of a misdemeanor or felony in any jurisdiction.

### **Set Tone at the Top**

Management has the added responsibility for demonstrating, through their actions, the importance of this Code. In any organization, ethical behavior does not simply happen; it is the product of clear and direct communication of behavioral expectations, modeled from the top and demonstrated by example. Again, ultimately, our actions are what matters.

To make our Code work, managers must be responsible for promptly addressing ethical questions or concerns raised by employees and for taking the appropriate steps to deal with such issues. Managers should not consider employees' ethics concerns as threats or challenges to their authority, but rather as another encouraged form of business communication. At Human First, we want the ethics dialogue to become a natural part of daily work.

### **Uphold the Law**

Human First's commitment to integrity begins with complying with laws, rules and regulations where we serve individuals. Further, each of us must have an understanding of the Agency policies, laws, rules and regulations that apply to our specific roles. If we are unsure of whether a contemplated action is permitted by law or Human First's policy, we should seek the advice from the resource expert. We are responsible for preventing violations of law and for speaking up if we see possible violations.

Because of the nature of our organization, we are bound to uphold applicable program licensing requirements employee credentials and screening requirements and laws governing consumer protection. The Agency will conduct exclusion checks to verify that all employees and independent contractors have not been excluded from federal healthcare programs. An exclusion check is a search of the following to determine if the individual or entity's name appears on the following lists: (1) US Department of Health and Human Services, Office of Inspector General (OIG)'s List of Excluded Individuals and Entities (LEIE) (2) The General Services Administration (GSA)'s Excluded Parties List System available on the GSA website (3) OMIG (4) SDN

Consumer confidentiality is to be maintained in accordance with federal HIPPA Laws.

### **Competition**

We are dedicated to ethical, fair and vigorous competition. We present our services publicly upon invitations by partnering Agencies. Service contracts are usually obtained by non-bias competitive bidding process. Likewise, independent contractors that opt to do business with our Agency are selected based on competitive pricing and quality of services proposed.

## **Proprietary Information**

It is important that we respect the property rights of others. We will not acquire or seek to acquire improper means of a competitor's trade secrets or other proprietary or confidential information. We will not engage in unauthorized use, copying, distribution or alteration of software or other intellectual property.

## **Selective Disclosure**

We will not selectively disclose (whether in one-on-one or small discussions, meetings, presentations, proposals or otherwise) any material nonpublic information with respect to Human First, operations, plans, financial condition, results of operations or any development plan. We should be particularly vigilant when making presentations or proposals to consumers to ensure that our presentations do not contain material nonpublic information.

## **Health and Safety**

Human First is dedicated to maintaining a healthy work environment. Any and all safety problems should be reported immediately to a supervisor for correction.

## **Avoiding Conflicts of Interest**

### **Conflicts of Interest**

We must avoid any relationship or activity that might impair, or even appear to impair, our ability to make objective and fair decisions when performing our jobs. At times, we may be faced with situations where the business actions we take on behalf of Human First may conflict with our own personal or family interests because of the course of action that is best for us personally may not also be the best course of action for Human First. We owe a duty to Human First to advance its legitimate interests when the opportunity to do so arises. We must never use Human First property or information for personal gain or personally take for ourselves any opportunity that is discovered through our position with Human First.

### **Here are some other ways in which conflicts of interest could arise:**

1. Being employed (you or a close family member) by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while you are employed with Human First.
2. Hiring or supervising family members or closely related persons.
3. Serving as a board member for an outside commercial company or organization.
4. Owning or having a substantial interest in a competitor, supplier or contractor.
5. Having a personal interest, financial interest or potential gain in any Human First transaction.

6. Placing company business with a firm owned or controlled by a Human First employee or his or her family.

7. Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier, unless equally available to all Human First employees.

Determining whether a conflict of interest exists is not always easy to do. Employees with a conflict of interest question should seek advice from senior management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their managers or the Corporate Compliance Officer.

### **Credentials**

Before making offers of employment the Agency verifies employment and personal references of all applicants. Human First also conducts state required background checks such as: OPWDD Fingerprinting, Child Abuse Clearances and others as required.

### **Gifts, Gratuities and Business Courtesies**

Human First is committed to competing solely on the quality of services it provides. We strive to avoid any actions that create a perception that favorable treatment of outside entities outside Human First Business courtesies include gifts, gratuities, meals, refreshments, entertainment or other benefits from persons or companies with whom Human First does or may do business. We will neither give nor accept business courtesies that constitute, or could reasonably be perceived as constituting, unfair business inducements that would violate law, regulation or policies of Human First or consumers, or would cause embarrassment or reflect negatively on Human First's reputation.

### **Accepting Business Courtesies**

Business courtesies offered to us in the course of our employment are offered because of our positions at Human First. There is no entitlement to accept and keep a business courtesy. We may never ask for nor may we accept unsolicited business courtesies that promote successful working relationships and good will with firms that Human First maintains or may establish a business relationship with.

Employees who award contracts or who can influence the allocation of business, who create specifications that result in the placement of business or who participate in negotiation of contracts must be particularly careful to avoid actions that create the appearance of favoritism or that may adversely affect the company's reputation for impartiality and fair dealing. The prudent course is to refuse a courtesy from a supplier when Human First is involved in choosing or reconfirming a supplier or under circumstances that would create an impression that offering such as courtesies is the way to obtain Human First business.



## **Meals, Refreshments and Entertainment**

We may accept occasional meals, refreshments, entertainment and similar business *courtesies that are shared with the person who has offered to pay for the meal or entertainment*, provided that:

- They are not inappropriately lavish or excessive.
- The courtesies do not reflect a pattern of frequent acceptance of courtesies from the same person or entity.
- The courtesy does not create the appearance of an attempt to influence business decisions.
- The employee accepting the business courtesy would not feel uncomfortable discussing the courtesy with his or her manager or co-worker or having the courtesies known by the public.

## **Business Courtesies for Referrals/Gifts**

The Agency recognizes that there are legitimate and lawful reasons to accept or provide reasonable business courtesies. However, in healthcare, business courtesies pose a risk for conflict of interest or fraud and/or abuse related to anti-kickback laws and regulations. The Anti-Kickback law prohibits the offer of payment, solicitation or receipt of any form of remuneration for the referral of Medicare or Medicaid Recipients.

Employees may accept unsolicited gifts, other than money, that conform to the reasonable ethical practices of the marketplace, including:

- Flowers, fruit baskets and other modest presents that commemorate a special occasion.
- Gifts of nominal value, such as calendars, pens, mugs, caps and t-shirts (or other novelty, advertising or promotional items).

Generally, employees may not accept compensation, honoraria or money of any amount from entities with whom Human First does or may do business. Tangible gifts (including tickets to a sporting or entertainment event) that have a market value greater than \$100 may not be accepted unless approval is obtained from the Executive Director.

Employees with questions about accepting business courtesies should talk to their managers or the Corporate Compliance Officer.

## **Offering Business Courtesies**

Any employee who offers a business courtesy must assure that it cannot reasonably be interpreted as an attempt to gain an unfair business advantage or otherwise reflect negatively upon Human First. An employee may never use personal funds or resources to do something that cannot be done with Human First

resources. Accounting for business courtesies must be done in accordance with approved company procedures.

Other than to our government customers, for whom special rules apply, we may provide non-monetary gifts (i.e., company logo apparel or similar promotional items) to our consumers. Further, management may approve other courtesies, including meals, refreshments or entertainment of reasonable value provided that:

- The practice does not violate any law or regulation or the standards of conduct of the recipient's organization.
- The business courtesy is consistent with industry practice, is infrequent in nature and is not lavish.
- The business courtesy is properly reflected on the books and records of Human First.

## **Sexual Harassment**

The Agency is committed to maintaining a working environment free from all forms of discrimination, including any action that is considered sexual harassment. Therefore, we expect all employees to maintain a high standard of personal and professional behavior.

If we determine that sexual harassment has occurred, we will take appropriate disciplinary action, including termination. Sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made a term or condition of your employment, either explicitly or implicitly,
- Submission to or rejection of such conduct is the basis for decisions affecting your compensation, promotion, assignment or opportunities, or
- Such conduct has the purpose or effect of interfering with your work performance or creates an intimidating, hostile or offensive work environment.

If you feel that you are being subjected to any form of sexual harassment, you should notify your supervisor immediately. If the circumstances of the problem prevent you from discussing it with your supervisor, you should go directly to the Human Resources. We will give your complaint serious attention and initiate a prompt investigation.

Every report of perceived harassment will be investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including termination. In addition, the Agency prohibits any form of retaliation against individuals who, in good faith, report unwelcome conduct to management, or who cooperate in the investigation of such reports in accordance with this policy.

## **Public Disclosures/Recordkeeping**

### **Accurate Public Disclosures**

We will make certain that all disclosures made in financial reports and public documents are full, fair, accurate, timely and understandable. This obligation applies to all employees, including all financial executives, with any responsibility for the preparation for such reports, including drafting, reviewing and signing or certifying the information contained therein.

Employees should inform Executive Management if they learn that information in any filing or public communication was untrue or misleading at the time it was made or if subsequent information would affect a similar future filing or public communication.

### **Corporate Recordkeeping**

We create, retain and dispose of our company records as part of our normal course of business in compliance with all Human First policies and guidelines, as well as all regulatory and legal requirements.

All corporate records must be true, accurate and complete, and company data must be promptly and accurately entered in our books in accordance with Human First and other applicable accounting principles.

We will not improperly influence, manipulate or mislead any authorized audit.

### **Accountability**

Each of us is responsible for knowing and adhering to the values and standards set forth in this Code and for raising questions if we are uncertain about company policy. If we are concerned whether the standards are being met or are aware of violations of the Code, we must contact the Human Resource staff.

Human First takes seriously the standards set forth in the Code, and violations are cause for disciplinary action up to and including termination of employment.

## **Maintain Confidential Information**

### **Confidential and Proprietary Information**

Integral to Human first business success is our protection of confidential company information, as well as nonpublic information entrusted to us by employees, consumers and other business partners. Confidential and proprietary information includes such things as pricing and financial data, consumer names/addresses or nonpublic information about other companies, including current or potential supplier and vendors. We will not disclose confidential and nonpublic information without a valid business purpose and proper authorization.

## **Use of Company Resources**

Agency resources, including time, material, equipment and information, are provided for business use only. Nonetheless, occasional personal use is permissible as long as it does not affect job performance or cause a disruption to the workplace.

Employees and those who represent Human First are trusted to behave responsibly and use good judgment to conserve company resources. Managers are responsible for the resources assigned to their departments and are empowered to resolve issues concerning their proper use.

We will not use Agency equipment such as computers, copiers and fax machines in the conduct of an outside business or in support of any religious, political or other outside daily activity, except for Agency-requested support to nonprofit organizations. We will not solicit contributions nor distribute non-work related materials during work hours.

In order to protect the interests of Human First Individual(s) and our fellow employees, Human First reserves the right to monitor or review all data and information contained on an employee's company-issued computer or electronic device, the use of the Internet. We will not tolerate the use of Agency resources to create, access, store, print, solicit or send any materials that are harassing, threatening, abusive, sexually explicit or otherwise offensive or inappropriate.

Questions about the proper use of company resources should be directed to your manager or the Human Resource Staff.

## **Media Inquiries**

All media inquiries are to be directed to the Chief Executive Officer. No one may issue a press release without first consulting with the Chief Executive Officer.

## **Falsification of Records**

- You must not make any false entries in any of Human First records or in any public record for any reason.
- You must not alter any permanent entries in Human First records.
- You must not create or participate in the creation of any records that are intended to mislead or to conceal anything improper.

## **Information Security**

- You are responsible for properly using information stored and produced by all of Human First computer systems.
- Computers, Internet access, email, or other office communications systems are intended for business-related purposes only and not for uses that may be disruptive, offensive, harassing or harmful to others.
- Do not share your system user name or password with another person or allow another to access the computer with your password.

## **Your Responsibilities**

- Attend required training, and read and understand the Human First Corporate Compliance Plan, Corporate Compliance Policies and Procedures, and Code of Conduct.
- Follow The Human First Code of conduct and abide by all policies ,guidelines, and Federal and State laws and regulations
- Promptly report any issues, concerns, violations, or suspected violations to your supervisor, other management staff, Human Resources, or Chief Executive Officer.

## **Do the Right Thing**

Several key questions can help identify situations that may be unethical, inappropriate or illegal. Ask yourself:

- Does what I am doing comply with the Human First guiding principles, Code of Conduct and company policies?
- Have I misrepresented information or deviated from normal procedure?
- Is this the right thing to do?

## **Violations of the Policy**

Violations of the Policy are grounds for discharge or other disciplinary action.

B. Disciplinary action will be taken, not only against individuals who authorize or participate directly in a violation of the Policy, but also against:

- (1) Any employee who may have deliberately failed to report a violation of the Policy;
- (2) Any employee who may have deliberately withheld relevant and material information concerning a violation of this Policy and
- (3) The violator's managerial superiors, to the extent that the circumstances of the violation reflect inadequate leadership and lack of diligence.

C. Where an employee is accused of violating the Policies stated in this Code, and the employee has relied in good faith on the advice of Human First legal counsel after full disclosure of the material facts, no disciplinary action may be taken against the employee under this Policy.



## **Information and Resources**

**Chief Executive Officer: Cheryelle Cruickshank**

**Main Office Phone Number: 516-823-9500 Extension 444**

**Associate Executive of Quality Assurance/Corporate Compliance Officer: Frank Pennucci**

**Agency phone Number: 631-321-1101 Extension 353**

**Associate Executive of Programs: Dr. Nicole Appello**

**Agency Phone Number: 516-823-9500 Extension 227**

**Director of Administration and Communication: Elizabeth Stehle**

**Agency Phone Number: 631-321-1101 Extension 346**

## **Reports and Periodic Reviews**

A. Any employee who is requested to engage in any activity which is or may be contrary to the policies highlighted in this Code will promptly report such information to their manager whom the individual reports, or, if the employee was so directed by the manager, then to Human Resource Staff.

B. Any employee who acquires information that gives the employee reason to believe that any other employee is engaged in conduct forbidden by this Code will promptly report such information to the manager to whom the employee reports or, if the manager is engaged in such conduct, then to the Human Resource Staff.

April 2018

I \_\_\_\_\_ (Print your Name) have received and have read this Human First Code of Ethics Policy Statement.

By signing I understand all of its terms and agree to be bound by the provisions contained therein.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

April 2018