



## **DISCIPLINARY POLICY**

### **PURPOSE**

The purpose of this Policy is to describe disciplinary standards for Jewish Home of Central New York, Inc., Menorah Park Group Residences, Inc., and Syracuse Jewish Family Services, Inc. (collectively, the “Organization”), which are implemented and enforced to encourage good faith participation in the Organization’s Compliance Program.

### **APPLICABILITY**

This Policy applies to all Organization employees, Board members, and contractors.<sup>1</sup>

### **POLICY**

The Organization is committed to ensuring that laws, regulations, administrative guidance regarding fraud, waste, abuse or other wrongful or unethical conduct, and its Compliance Plan, policies, and Standards of Conduct (collectively, the “Compliance Standards”) are adhered to by all employees, Board members, and contractors. It is the policy of the Organization to firmly, fairly, and consistently enforce the Compliance Standards by imposing appropriate disciplinary action against employees, Board members, and contractors for: (1) failing to report actual or suspected Compliance Issues<sup>2</sup>; (2) engaging in, encouraging, directing, facilitating, or permitting fraud, waste, abuse, or improper or unethical conduct; or (3) violating the Organization’s Compliance Plan, Compliance Program, or an Organization policy designed to detect or prevent fraud, waste, abuse, or improper or unethical conduct.

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<sup>1</sup> “Employees, contractors, and Board members” includes the Organization’s employees, Chief Executive Officer (“CEO”), senior administrators, managers, volunteers, interns, contractors, agents, subcontractors, independent contractors, corporate officers, and Board members who are affected by the Organization’s Compliance Risk Areas. “Compliance Risk Areas” are those areas of operation affected by the Organization’s Compliance Program, as set forth in Section XIII of the Organization’s Compliance Plan. For purposes of the Organization’s Compliance Program, “contractors” includes contractors, agents, subcontractors, and independent contractors who are affected by the Organization’s Compliance Risk Areas. Contractors are required to comply with the Organization’s Compliance Program to the extent that the contractor is affected by the Organization’s Compliance Risk Areas, and only within the scope of the contractor’s contracted authority and affected Compliance Risk Areas.

<sup>2</sup> “Compliance Issues” are actual or suspected fraud, waste, abuse or other wrongful or unethical conduct, violations of laws, rules, regulations, policies, and standards, or the Organization’s Compliance Plan, Compliance Program, policies, procedures, and Standards of Conduct.

## **PROCEDURE**

### 1. Discipline for Noncompliance

Employees, Board members, and contractors may violate the Organization's Compliance Standards by: (i) failing to report actual or suspected fraud, waste, abuse, or improper or unethical conduct; (ii) engaging in, encouraging, directing, facilitating, or permitting fraud, waste, abuse, or improper or unethical conduct; or (iii) violating the Organization's Compliance Plan, Compliance Program, or an Organization policy designed to detect or prevent fraud, waste, abuse, or improper or unethical conduct.

### 2. Discipline for Not Reporting

Employees, Board members, or contractors who fail to detect or report Compliance Issues may be subject to discipline or sanctions.

### 3. Disciplinary Actions The Organization seeks to discipline and/or sanction individuals or entities in a fair, consistent, and appropriate manner, and will utilize the same disciplinary standards when enforcing violations of its Compliance Standards with all levels of personnel. Mitigating or aggravating factors will be taken into account as appropriate. All disciplinary action is documented in the personnel/contractor file, and in the Organization's compliance files.

The degree of disciplinary action or sanction taken by the Organization will be dependent on the applicable facts and circumstances. However, intentional and reckless behavior will be subject to more significant disciplinary actions and sanctions. Disciplinary actions include, but are not limited to the following:

- Compliance or other training(s);
- Warning (verbal or written);
- Reprimand (written), that describes the unacceptable conduct or performance and specifies necessary improvements;
- Probation;
- Demotion;
- Job reassignment;
- Immediate suspension (with or without pay), including, but not limited to those cases where the conduct poses an immediate threat to individuals served by the Organization, or Organization operations and/or property;
- Termination of contractor agreement (provided such termination is consistent with the terms of the relevant agreement);

- Removal from Board of Directors in accordance with the terms of the Organization's Bylaws and policies, as well as applicable laws and regulations;
- Reporting and refunding overpayments to government agencies; and/or
- Restitution.

When deciding upon the appropriate discipline, the Organization will consider whether the individual or entity voluntarily reported the issue and/or fully cooperated in any investigation, and other mitigating and/or aggravating circumstances. However, the Organization retains the discretion to select the appropriate disciplinary action and sequence of action (if any) from these options, or others. All disciplinary actions and sanctions will conform with any collective bargaining agreements, when applicable.

#### 4. Sanctions

Any sanctions related to employee non-compliant behavior or practices addressed under the Compliance Program will be carried out by the Director of Human Resources in consultation with the Compliance Officer.

Board member sanctions can range from written admonition to, in the most extreme of cases, removal as a Board member in accordance with the Organization's Bylaws and policies, as well as applicable laws and regulations. The Compliance Officer shall make a recommendation to the Board of Directors with respect to such sanctions.

Contractor sanctions shall range from written admonition, financial penalties (if applicable), and in the most extreme of cases, termination of the contractor's relationship with the Organization, if feasible. The Compliance Officer shall make a recommendation to the CEO or Board of Directors with respect to such sanctions.

#### 5. Publication of Disciplinary Mechanisms

The Compliance Officer is responsible for publishing and disseminating the consequences of violating the Organization's Compliance Standards to all employees, contractors, and Board members on a regular basis. Methods of publication and dissemination may include, but are not limited to:

- Training and education;
- E-mail notifications;
- Meetings with employees, Board members and contractors;
- Implementing written policies and procedures; and
- Posting notices in the Organization's common areas.

In publishing and disseminating the Organization's position on the enforcement of its Compliance Standards, the Compliance Officer will emphasize that all violations, including the failure to report the misconduct of others when required, will be viewed as a serious infraction, and that discipline up to and including termination of employment or a contractual relationship, may be imposed as a result of any finding or violation.

In addition to publishing and disseminating the consequences of violating the Organization's Compliance Standards, the provisions of this Policy will be incorporated into the Organization's Compliance Program training and education. See *also Compliance Training Policy*.

6. Role of Supervisors

Supervisors may be subject to discipline for failure to detect violations of the Organization's Compliance Standards that occur within their areas of responsibility. If a Supervisor contributes to or perpetrates improper conduct, the Organization will take appropriate disciplinary action that is commensurate with the seriousness of the violation at issue and consider all the relevant circumstances (including mitigating and/or aggravating factors).

Adopted: May 18, 2021

Revised & Adopted: March 21, 2023; \_\_\_\_\_, 2023