

Policy Number: A 03

Approved By: Board of Directors

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Date Revised:

Policy

The Home Care Association of New Jersey (the “Association”) is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations and prohibits fraudulent practices by any of its board members, officers, Committee members, employees, or volunteers (collectively referred to as the Association’s “Agents”). This policy outlines a procedure for Agents to report an action that an Agent reasonably believes violates a law, or regulation or that constitutes fraudulent activity. This policy applies to any matter which is related to Association’s business and does not relate to private acts of an individual not connected to the business of the Association.

Responsibilities

1. If an Agent has a reasonable belief that another Agent or the Association has engaged in any action that violates any applicable law, or regulation, or constitutes a fraudulent practice, the Agent is expected to immediately report such information in writing to the Association’s President/CEO, unless such person is the subject of the report. If the President/CEO is the subject of the report or the Agent does not feel comfortable reporting the information to the President/CEO, he or she should report the information to the Chairman of the Association’s Board or the Association’s legal counsel.
2. The Association encourages any Agent who wishes to submit a report pursuant to this policy, to identify him or herself when making a report in order to facilitate the Association’s investigation of the matter. However, reports may be submitted on a confidential basis by the complainant or may be submitted anonymously by sending an anonymous letter to the President/CEO, the Chairman of the Association’s Board or the Association’s Legal Counsel. The Association will explore anonymous allegations to the extent possible, but will weigh the prudence of continuing such investigations against the likelihood of confirming the alleged facts or circumstances from attributable sources.
3. All reports will be followed up promptly and an investigation conducted. In conducting its investigation, the Association will strive to keep the identity of the complaining individual and the contents of the report and investigation confidential to the extent possible, consistent with the need to conduct an investigation, to comply with all applicable laws and to cooperate with law enforcement.
4. The Association’s President/CEO, or his or her designee, is responsible for promptly investigating all reports submitted pursuant to this policy and for causing appropriate corrective action to be taken if warranted by the investigation. In the event corrective action must be taken with regard to an employee, such action will be taken in accordance with the Association’s personnel policies. In the event corrective action must be taken with regard to a Board member,

officer, committee member or volunteer, the President/CEO shall make a recommendation to the Board and the Board shall be responsible for approving any corrective action taken. The complainant will be notified about what actions will be taken, to the extent reasonably possible and consistent with any privacy or confidentiality limitations. If no further action or investigation is to follow, an explanation for the decision will be given to the complainant.

5. In the event the Association's President/CEO is the subject of the investigation, than the Chairman of the Association's Board, or his or her designee, shall be responsible for the investigation and for causing appropriate action to be taken if warranted by the investigation, subject to Board approval.
6. The Association will not retaliate against an Agent because that Agent: (a) reports to the President/CEO, the Board of Directors, the Association's legal counsel or to a federal, state or local agency what the Agent believes in good faith and without malice to be a violation of the law; or (b) participates in good faith and without malice in any resulting investigation or proceeding, or (c) exercises his or her rights in good faith and without malice under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the Agent's rights.
7. The Association may take disciplinary action against an Agent who in the assessment of the Board of Directors has engaged in retaliatory conduct in violation of this policy. Such action may include: (1) with regard to an employee, up to and including termination of employment, and (2) with regard to all others, up to and including removal from the Association's board or committee; or termination as an officer or volunteer of the Association.
8. The Agents of the Association will be provided with a copy of this policy.