

Department: Human Resources

Effective Date: 7/1/2001

Subject: Code of Ethics

Revisions: 2/21/2019; 3/4/2019

Policy:

Our agency's reputation will be built on excellent service and excellent quality of work. To establish this reputation requires the active participation of every employee.

The opinions and attitudes that the youth and families we serve, mental health service providers, vendors, state agencies and the community at large have toward our agency may be determined for a long period of time by the actions of one employee. Employees have a duty to MonmouthCares and the youth and families we serve to act in ways that will merit trust and confidence of the public.

MonmouthCares will comply with all applicable laws and regulations and expects its directors, officers, employees and volunteers to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

Compliance with this policy of business ethics and conduct is the responsibility of every MonmouthCares employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment and legal penalties.

Corporate Compliance:

As an agency receiving at least \$5 million annually in Medicaid payment, MonmouthCares is committed to full compliance with Federal and state laws designed to reduce and control Medicaid costs, including Employee Section 6032 of the Federal Deficit Reduction Act (DRA) entitled "Employee Education About False Claims Recovery," aimed at curbing Medicaid fraud.

MonmouthCares has instituted a Corporate Compliance Plan, which includes the Federal Deficit Reduction Act Policy, applicable to the agency's employees, interns, volunteers, and business partners. The plan details policies and procedures for detecting and preventing fraud, waste, and abuse of government health care programs. It addresses the statutes listed below, as well as whistleblower protections under these statutes:

- Federal False Claims Act
- Federal Program Fraud Civil Remedies Act
- New Jersey Medical Assistance and Health Services Act – Criminal Penalties
- New Jersey Medical Assistance and Health Services Act – Civil Remedies
- New Jersey Health Care Claims Fraud Act
- New Jersey Conscientious Employee Protection Act
- New Jersey False Claims Act

All employees are required to be informed of and in compliance with MonmouthCares' Corporate Compliance Plan.

Standards of Conduct

Each employee has an obligation to observe and follow the Agency's policies and to maintain proper standards of conduct at all times. Failure to do so will result in disciplinary action which may include a verbal warning, written warning, suspension, and termination of employment. The appropriate disciplinary action imposed will be determined by Agency. MonmouthCares does not guarantee that one form of action will necessarily precede another.

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The following list of offenses and disciplinary actions is presented only as a guide. These examples are not intended to be an all-inclusive list nor a limitation on MonmouthCares' absolute right to discipline employees or terminate the employment relationship at any time with or without cause or notice.

- Incompetence or inefficient or careless performance of duties, including failure to maintain proper work standards, as determined in the sole discretion of MonmouthCares. Other acts or practices not in accordance with delineated performance standards.
- Excessive and/or patterned absences or lateness, failure to properly report absences, failure to submit medical documentation requested, and/or failure to return from leave of absence.
- Violation of "Smoke-Free" policy.
- Situations involving conflicts of interest or appearance of impropriety; including but not limited to giving, soliciting or accepting gifts, gratuities, bribes, etc.
- Fighting on duty or on Agency or partner premises, or with other Agency employees or MonmouthCares family members.
- Leaving work without authorization, leaving early, loafing, sleeping on the job, or otherwise misusing work time.
- Threats of violence against any employee, families, supervisor, visitor or other individual in the workplace, including but not limited to jokes, horseplay, acts of intimidation or any other activity perceived as intent to do physical harm.
- Use of profane, abusive or threatening language, or engaging in other rude or improper conduct towards supervisors, employees, families, or visitors.
- Assaulting or any violence towards supervisors, employees, families, or visitors.
- Disparagement of Agency supervisors, employees, families, or visitors.
- Failure to observe safety rules, procedures, or involvement in an accident caused by negligence.
- Carrying, use or possession of firearms, explosives, fireworks or ammunition.
- Failure to project a positive and professional image, including but not limited to failing to wear appropriate attire, maintaining proper personal hygiene, engaging in unprofessional conduct.
- Dishonesty, embezzlement, theft (including theft of information or time), inappropriate removal or possession of property, and/or not declaring to a supervisor the finding of personal valuables on Agency, partner, or family property.
- Immoral or indecent conduct; or conviction of a crime or other offense, which in the sole discretion of the Agency, affects your ability to do your job.
- Misrepresentation, either verbal or written, or falsification of Agency or family documents, including but not limited to employment applications and time records.
- Insubordination, including but not limited to refusal to perform work assigned as well as disrespectful conduct toward superiors, co-workers, MonmouthCares' families or visitors.
- Use, possession, manufacturing, distribution or sale of, or being under the influence of, controlled dangerous substances (drugs) or alcohol while at work, on Agency time or premises, or while driving an Agency vehicle.
- Harassment or impermissible discrimination against others including but not limited to co-workers, subordinates, families, or visitors.
- Sexual abuse in the workplace or in any Agency related activity.
- Performing other than assigned work during working hours.
- Failure to work when and/or in the capacity needed.
- Sabotage, loss or damage to property belonging to the Agency, families, visitors or co-workers.

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- Unauthorized or improper personal use of Agency equipment, including but not limited to electronic or voice mail, computers, telephones, cell phones, copy, postage, and facsimile machines.
- Use of information obtained on the job for any non-job related purpose, including but not limited to malicious use of information, use for personal or financial gain, or use of inside information wherever it is acquired.
- Unauthorized access or divulgence of Agency, family, or employee information or records to unauthorized personnel.
- Negligence in any practice not in accord with Agency policies, procedures or standards.
- Failure to fully cooperate in any Agency investigation or to report any unusual circumstances, or inappropriate conduct.
- Other improper behavior, such as deliberate violation of Agency policies or procedures.
- Other reasons which, in the sole opinion of the Agency, warrant action.

Conflict of Interests/Other Employment

MonmouthCares expects the primary interest of staff members to be the youth and families we serve. A conflict of interest occurs when the interests of a staff member actually or potentially affects the Agency's ability to serve our youth and families. Any potential conflicts should be made known to the employee's Supervisor and Executive Director, for review and determination as to whether a true conflict exists.

All MonmouthCares employees are required to sign an Attestation to the Conflict of Interest Policy required by the New Jersey Department of Children and Families.

To ensure that outside business interests, volunteer roles or other employment do not cause a conflict of interest or affect the performance of MonmouthCares' employees, outside interests must not lead to conflict in any way with an employee's responsibilities within MonmouthCares. The excellence of MonmouthCares' service and our desire to adhere to the highest ethical standards dictate our need to place limitations on employee's outside interests.

Employees may not have outside business interests, volunteer activities, or employment that could interfere with job performance or cause a conflict of interest or the appearance of conflict.

- New employees will be asked to disclose all of their outside interests as soon as they are hired. All employees are expected to disclose any business, volunteer or employment interest prior to assuming them. If the employee fails to disclose in a timely manner, he/she will be subject to disciplinary action, up to and including termination.
- All employees must notify their supervisor, in writing or via email, of all outside business interests, volunteer activities and employment. The employee must include the name of the other employer(s), their job responsibilities, and hours expected to work. All information provided is for the sole purpose of determining if a conflict of interest exists and will be kept confidential.
- The supervisor will review the notification with the Executive Director in order to determine any potential conflict of interest or job performance issues. It is imperative that an employee be able to meet the demands of his or her MonmouthCares job. Adherence to our mission dictates that we are responsive to families' needs for flexible scheduling and service sites.
- Outside interests cannot in any way inhibit an employee's ability to respond to a family's need, including each employee's responsibility to ensure MonmouthCares' 24/7 coverage.

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- Outside interests cannot contain the possibility of a conflict of interest. Employees may not work with MonmouthCares' children or families as a provider in a service or program to which MonmouthCares refers. Employees may not take an ownership position in an organization to which the Agency refers.
- MonmouthCares will not purchase from or sell to a business owned by one of its employees. Exception will be considered on a case by case basis by the Executive Director.

The review will be documented with any provisions necessary to avoid a conflict, and placed in the employee's personnel file.

If MonmouthCares determines outside business, employment, or volunteer role causes a conflict of interest or it interferes with performance or the ability to meet the requirements of MonmouthCares as they are modified from time to time, the employee will be asked to terminate the outside employment if he or she wishes to remain with MonmouthCares unless special permission is obtained before any employment begins from the Executive Director.

New Jersey Conscientious Employee Protection Act (CEPA)

In accordance with New Jersey State Law, an employee is protected against retaliatory action because he or she:

- Discloses or threatens to disclose to a supervisor or public body an activity, policy or practice of his/her employer that he/she believes is in violation of a law or regulation.
- Provides information to or testifies before a public body conducting an investigation or hearing concerning such a violation.
- Objects to or refuses to participate in an activity, policy or practice if he/she reasonably believes that it is in violation of a law or regulation or is fraudulent or that it is incompatible with a clear mandate or public policy concerning the public health, safety or welfare.

If an employee believes that he/she has been involved in, or has knowledge of, any action which may be in violation of law, regulation or public policy, or is fraudulent, or criminal, the employee is urged to notify Human Resource or the Compliance Officer so that the matter may be investigated and corrected. Failure to notify the Agency may result in the loss of important legal rights. MonmouthCares ensures the confidentiality of the report, to the extent possible.

Reporting of Violation

You may report a violation of the code of ethics or the standards of conduct; or report on waste, fraud or abuse; or any other incident or practice or wrongdoing:

- To our Corporate Compliance Officer in person, by phone, by work email, or at compliance@monmouthcares.org. An anonymous report can be made using the Confidential Reporting Hotline: (844)-700-0071.
- To the Executive Director in person, by phone or work email.
- To your supervisor or another Manager who will forward it to the right department, or to the compliance Officer as above.

Whatever way you choose to report, there will be no reprisal, as stated in our Corporate Compliance Plan and the NJ Whistleblower statute.

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Timeframes:

- The report will be acknowledged by the Compliance Officer within 2 working days. The investigation will be done as quickly as possible, taking into account the complexity and breadth of the allegation.
- Updates will be done weekly, with a decision communicated within a month.
- In the event that an investigation must be confidential, this will be communicated to explain the need for a different timeframe from that stated above.

Approval

Department Head:  Date: March 4, 2019

Executive Director:  Date: March 4, 2019