

**1.05 NON-RETALIATION POLICY**

**Prepared By: Anthony Lisske**  
CHIEF COMPLIANCE OFFICER

**Pages:** 4

**Approved By:**  
Executive Compliance Committee

**Effective Date:** 6/12/07  
**Revised/Reviewed** 9/01/09  
**Date(s):**

***1.05 Non-retaliation Policy***

**BACKGROUND**

It is the belief of New York Downtown Hospital that positive employee relations and morale can be best achieved and maintained in a working environment that promotes ongoing open communication between supervisors and employees. This includes open and candid discussions of employee problems and concerns. We, therefore, encourage employees to express their problems, concerns, and opinions on any issue. We also recognize that one of the requirements of the U.S. Sentencing Commission “Guidelines for Organizations” is that an organization evidences a policy of non-retaliation/non-retribution for employees who report violations of law, regulations, policies, and the Code of Conduct. Additionally, the NYS Office of Medicaid Inspector General, (OMIG), stipulate that every organization have a policy of non-retaliation for the reporting of compliance matters.

**PURPOSE**

The purpose of this policy is to provide guidance by which employees can express problems, concerns, and opinions without fear of retaliation or reprisal, as well as providing supervisors with appropriate guidelines for addressing problems and concerns raised by employees. Human Resources policies provide a similar procedure that also allows employees to express problems, concerns or opinions about conduct or performance issues.

**POLICY**

1. It is New York Downtown Hospital policy to take all necessary steps to refrain from intimidating, threatening, coercing, discriminating against, or taking any other retaliatory action against any employee or individual for the exercise of any right under, or for participation in any process established by applicable law, regulation, or existing policies and procedures.

2. All New York Downtown Hospital employees, including supervisors and managers, have the affirmative duty for promptly reporting actual or potential wrongdoing, including an actual or potential violation of law, regulation, policy, procedure, or the Code of Conduct.
3. An “open-door policy” shall be maintained at all levels of management for employees to report problems and concerns and shall be acted upon in an appropriate manner. If the problem is not satisfactorily resolved, the employee may proceed up the supervisory chain to higher level. The employee hotline is designed to permit any employee to call, anonymously or in confidence, to report problems and concerns or to seek clarification of compliance related issues.
4. Employees who, in good faith, report a potential violation of law, regulation, policy, procedure, or the Code of Conduct will not be subjected to retaliation, retribution or harassment. No supervisor, manager or employee is permitted to engage in retaliation, retribution or any form of harassment against an employee for reporting a compliance related concern. Any supervisor, manager or employee who conducts or condones retribution, retaliation or harassment in any way will be subject to discipline, up to and including discharge.
5. New York Downtown Hospital shall not permit retaliation against employees, individuals, or others for:
  - a) exercising any right under, or participating in, any process established by federal, state, or local, law, regulations, or policy;
  - b) filing a complaint with New York Downtown Hospital and/or the Department of Health and Human Services or other government agency;
  - c) testifying, assisting, or participating in an investigation, compliance review, proceeding, or hearing;
  - d) opposing in good faith any act or practice made unlawful by federal, state, or local law, regulation, or policy, provided that the manner of the opposition is reasonable and does not itself violate law.
6. All necessary procedures will be followed to protect against any retaliation toward any employee or individual for exercising their rights or participating in any process pursuant to internal policies, applicable law, and/or regulation.
7. Employees cannot exempt themselves from the consequences of wrongdoing by reporting their own wrongdoing, although self-reporting may be taken into account in determining the appropriate course of action.

## **PROCEDURES**

All managers and employees must understand that any incident where retaliation or reprisal can be related to an employee raising/reporting a problem, either at the organization level or through the compliance program, will not be tolerated. Reports of this nature must be investigated thoroughly and expeditiously, with appropriate disciplinary actions taken, up to and including termination of employment.

## **Employee Responsibilities**

1. Knowledge of misconduct, including actual or potential violations of law, regulation, policy, procedure, or the Code of Conduct must be immediately reported by employees to:
  - (a) immediate supervisor,
  - (b) department manager,
  - (c) human resources management (“HR”),
  - (d) senior administrative officer of the organization,
  - (e) compliance office, or
  - (f) employee hotline.

Failure to report or concealing knowledge of a potential violation may result in administrative actions being taken, up to, and including termination.

## **Supervisor/Manager Responsibilities**

1. All managers and supervisors must take aggressive measures to assure their staff that the organization truly encourages the reporting of problems and that employees will not "get into trouble" for doing so, including taking the following actions:
  - Brief subordinate managers on this policy and certify having done so.
  - Ensure this policy is posted on employee bulletin boards in their area.
  - Review with all lower level managers the intent and content of this policy document.
2. All supervisors and managers must promote an "open-door" attitude about employee problems and concerns at all times and receive all employee concerns, problems and opinions and explore with the employee suggestions for resolving the issue.
3. HRM must be informed of all concerns and problems raised by employees that fall within their area of responsibility.
4. The confidentiality of employee concerns and problems must be respected and protected at all times, insofar as legal and practical, informing only those personnel who have a need to know.

### **HRM Responsibilities**

1. HR must provide assistance and guidance to supervisors in receiving and resolving employee concerns, problems and opinions and keep facility administration informed of all concerns and problems raised by employees.
2. HR must investigate employee related matters and, if a resolution can be reached within the facility, inform the employee of the results of the investigation and the resolution within seven (7) working days, if possible.
3. HR must ensure the confidentiality of an employee raising a concern and problem at all times, insofar as legal and practical, informing only those personnel who have a need to know.

### **Compliance Officer Responsibilities**

1. The New York Downtown Hospital Chief Compliance Officer (“CCO”) will be responsible for the investigation and follow-up of any reported retaliation against an employee.
2. The CCO will report the results of an investigation into suspected retaliation to the Executive Compliance Committee or, as deemed appropriate, the Board Audit and Compliance Committee.