



Standards of Conduct

350 Discipline Procedures

June 2023

AccessCNY management and departmental leaders support behaviors that foster professional, cooperative, and people centered focus to ensure that participants receive the highest quality of services. To reinforce high quality services to our participants, expectations are set to address employees' behavior for among other things are: (1) job performance; (2) time and attendance; and (3) conduct. Employees are responsible for meeting these expectations, and are additionally expected to be professional, cooperative, careful, and diligent at all times. These standards exist to help ensure our participants receive the highest-quality services possible.

This document is intended to provide employees with a better understanding of AccessCNY's expectations and the potential consequences for non-compliance. Non-compliance with AccessCNY's standards and expectations may result in disciplinary action, up to and including immediate dismissal.

Issuing Disciplinary Action:

When an employee fails to follow AccessCNY or departmental standards, or otherwise fails to meet expectations or dutifully perform her or his responsibilities, AccessCNY will take steps to correct the situation and prevent further occurrences.

This corrective action may vary depending on the relevant circumstances, including, but not limited to, the seriousness of the offense, the circumstances under which it occurred, prior performance issues or disciplinary problems, the particular responsibilities of the employee, length of employment, and overall work record with AccessCNY.

Corrective action can take any of the following forms (individually or, where appropriate, in combination with one another):

- Coaching & Counseling
- Written Warning(s)
- Unpaid Suspension(s)
- Dismissal

AccessCNY will generally endeavor to follow a "progressive" disciplinary model, but may not do so in all circumstances. Employment at AccessCNY is "at will." Although AccessCNY hopes that all employee relationships will be long-standing and mutually beneficial, either party is free to end the employment

relationship at any time. Accordingly, AccessCNY expressly reserves the right to immediately discharge an employee as disciplinary action, if deemed appropriate in its sole discretion.

The use of progressive discipline before dismissal is left to AccessCNY's discretion. By establishing these procedures for disciplinary actions and dismissals, AccessCNY does not waive or limit its right to discharge employees with or without notice or cause.

With respect to all disciplinary matters, AccessCNY also reserves the right to suspend employees, with or without pay, pending investigation or otherwise.

Reasons for Discipline:

The types of misconduct that can lead to disciplinary action include but are not limited to, the following:

- Poor attendance and punctuality
- Poor work performance
- Inappropriate conduct such as a violation of a published AccessCNY or departmental policy, rule, or regulation or violating a common-sense expectation
- Insubordination or misconduct
- Failure to participate in the compliance program in good faith
 - Failure to report compliance issue
 - Failure to assist or participate in compliance investigation
 - Failure to report suspected compliance problem
 - Participating in non-compliant behavior
 - Encouraging, directing, facilitating, or permitting non-compliant behavior

Examples of misconduct include but are not limited to:

- Any violation of the Agency's Ethical Conduct Policy
- Insubordination or failure to carry out reasonable requests made by the supervisor or other member of AccessCNY management
- Theft, attempted theft, or removing Agency, client, or co-worker property from the premises without proper authorization
- Willful misuse or destruction of Agency, client, or a co-worker's property
- Sleeping during work time
- Inappropriately abandoning the job or leaving work
- Any violation of the Agency's Drug and Alcohol Use policy, including the possession or consumption of unauthorized controlled substances, or alcoholic beverages, or being under the influence of unauthorized controlled substances or alcoholic beverages on Agency time or on Agency/client premises
- Gambling on Agency time or on Agency/client premises

- Sexual harassment, other harassment, discrimination and/or retaliation in violation of Agency policy
- Any violation of the Agency's workplace Violence Policy, including threatening, intimidating, or violent behavior
- Possession of a dangerous weapon on Agency/client premises
- Neglect, abuse or mistreatment of a participant
- Unprofessional or disrespectful conduct, such as profanity or yelling, including the use of vulgar, abusive, or obscene language, while on Agency/client premises or arising out of Agency business
- Falsification of Agency-related documents, including, but not limited to, records of time worked, payroll records, documentation of services rendered, expense reports, employment, applications, or any application for leave of absence
- Conviction of a felony or off-duty conduct that relates to the employee's fitness for employment, as required or to the extent permitted under applicable law
- Failure to abide by other Agency policies including but not limited to confidentiality, proprietary information, use of the Agency's electronic communications systems and conflict of interest
- Unauthorized use of Agency or client funds, vehicles, materials, or facilities regardless of intent
- Unauthorized removal of Agency or client property or materials including those that have been or are due to be discarded
- Indecent, illegal, or immoral behavior on client premises
- Failure to maintain a valid driver's license when required for the job
- Failure to report an incident related to compliance
- Other misconduct

If discipline is pertaining to time and attendance or performance concerns, incident will remain in employee's file for 1 year (from last occurrence). If discipline is pertaining to misconduct, incident will remain in employee's file permanently.

Discipline:

Following is a summary of different levels of discipline that may be issued, depending on the relevant facts and circumstances. AccessCNY reserves the right to immediately proceed to more serious disciplinary action, if deemed appropriate.

1. Verbal Counseling

- a. Normally, when a supervisor first identifies a discipline problem, the supervisor will privately counsel the employee and outline the steps necessary to correct the problem. This step is an informal documented conversation between the employee and the supervisor. The conversation should generally be issued within 7 working days of the occurrence or from the date when the supervisor learns of the occurrence, to the extent practicable. The supervisor

will generally advise the employee – and employees should note under this policy – that any further issue may result in further corrective action, up to and including dismissal.

- b. The supervisor will ordinarily summarize the counseling in writing, request that the employee sign the documentation and retain a copy in the employee's departmental file.

2. Written Warnings

- a. Written warnings should generally be issued within 7 working days of the occurrence or from the date when the supervisor learns of the occurrence, to the extent practicable. If additional time is needed to complete an investigation, the 7-day requirement may be extended with approval from Human Resources Department Director or Associate Executive Director.
- b. Written warnings must be recorded and generally include the following information:
 - i. The reason for the warning and related facts
 - ii. Reference to previous counseling about the problem (if relevant)
 - iii. The necessary steps to correct the problem
 - iv. The next disciplinary step to be taken if the problem is not corrected
- c. Employees will be provided the opportunity to comment on the written warning, and required to acknowledge receipt of the document.

3. Suspension

- a. AccessCNY may impose an unpaid suspension. In such an event, employees will be advised accordingly, and instructed that they are not permitted on Agency premises and cannot perform any work duties during the suspension period.
- b. AccessCNY also reserves that right to suspend an employee, with or without pay, in connection with its investigation of any disciplinary or other matters.
- c. Managers have the right to immediately suspend an employee if necessary, but afterwards should immediately notify the Associate Executive Director or Director of Human Resources.

4. Dismissal

- a. Certain types of issues, conduct, policy infractions, or behavioral problems, when taking into consideration the relevant facts and circumstance, are serious enough to warrant immediate discharge. Each such situation will be handled on a case-by-case basis.
- b. Examples of conduct justifying immediate dismissal include, but are not limited to the following:
 - i. Dishonesty, theft, vandalism, or other illegal activity
 - ii. Sleeping, appearing to sleep, or preparing to sleep on the job during work hours

- iii. Violating any policy or rule concerning alcohol or illegal or controlled substances, including being under the influence of alcohol or illegal or controlled substances when reporting to work, while on the job, when carrying out AccessCNY responsibilities, or on AccessCNY premises
- iv. Possessing or selling illegal or controlled substances while on the job, when carrying out AccessCNY responsibilities or on AccessCNY premises, on property where AccessCNY work is being performed, or at AccessCNY-sponsored activities
- v. Flagrant misconduct, performance issues, or insubordinate behavior
- vi. Falsification of time and attendance records or other AccessCNY records
- vii. Unauthorized use, possession or storage of firearms, dangerous weapons, explosives, lethal materials or other potentially dangerous items on AccessCNY premises, on property where AccessCNY, or at AccessCNY-sponsored activities, whether or not a federal or local license to possess the same has been issued
- viii. The impermissible (including, without limitation, under HIPAA) use of tape recorders, hidden cameras, or microphones, or other recording devices, to make surreptitious recordings of telephone calls, conversations, or other communications

This above list of examples is not all-inclusive. Aggravating factors, as well as other conduct considered sufficiently detrimental by AccessCNY or that otherwise conveys an employee is unsuitable for continuing employment, can result in immediate dismissal without prior discipline.

Payment During Disciplinary Suspensions

In accordance with the Fair Labor Standards Act (FLSA), an exempt employee may be suspended without pay in partial or full day increments for safety rule infractions of major significance or in one or more full day increments for violations of workplace conduct rules (i.e., violations of the Agency's policies relating to sexual harassment, discrimination, violence, and substance testing). Unpaid suspensions for exempt employees for any other reason are generally in full week increments only as required by the FLSA. Paid suspensions for exempt and non-exempt employees may be in partial day or partial week increments.

Open and candid communications with all employees is an important aspect of AccessCNY's on-going employee relations. When a rule, policy, or procedure is violated, the employee's supervisor and the Human Resources Department will review the specific nature of the violation with the employee. The employee's input is extremely important to ensure that all of the facts have been considered. After such a review, corrective action is discussed with the employee and the management involved.

Employees are given the opportunity to agree or disagree with the results and write a brief statement on the employee counseling memo, if desired. However, as a condition of employment, employees are required to sign the employee counseling memo to indicate that a discussion of the issue has taken place. Refusal to sign the employee counseling memo is a violation of Agency policy and may result in disciplinary action, up to and including termination. Employees receive a copy of any written employee counseling memo issued by the Agency.

Within the established period after the initial counseling meeting, the Human Resources Department and the employee's supervisor conduct a follow-up meeting with the employee to review the employee's progress. A written follow-up to the counseling memo is given to the employee. The employee must sign the follow-up memo issued by the Agency.