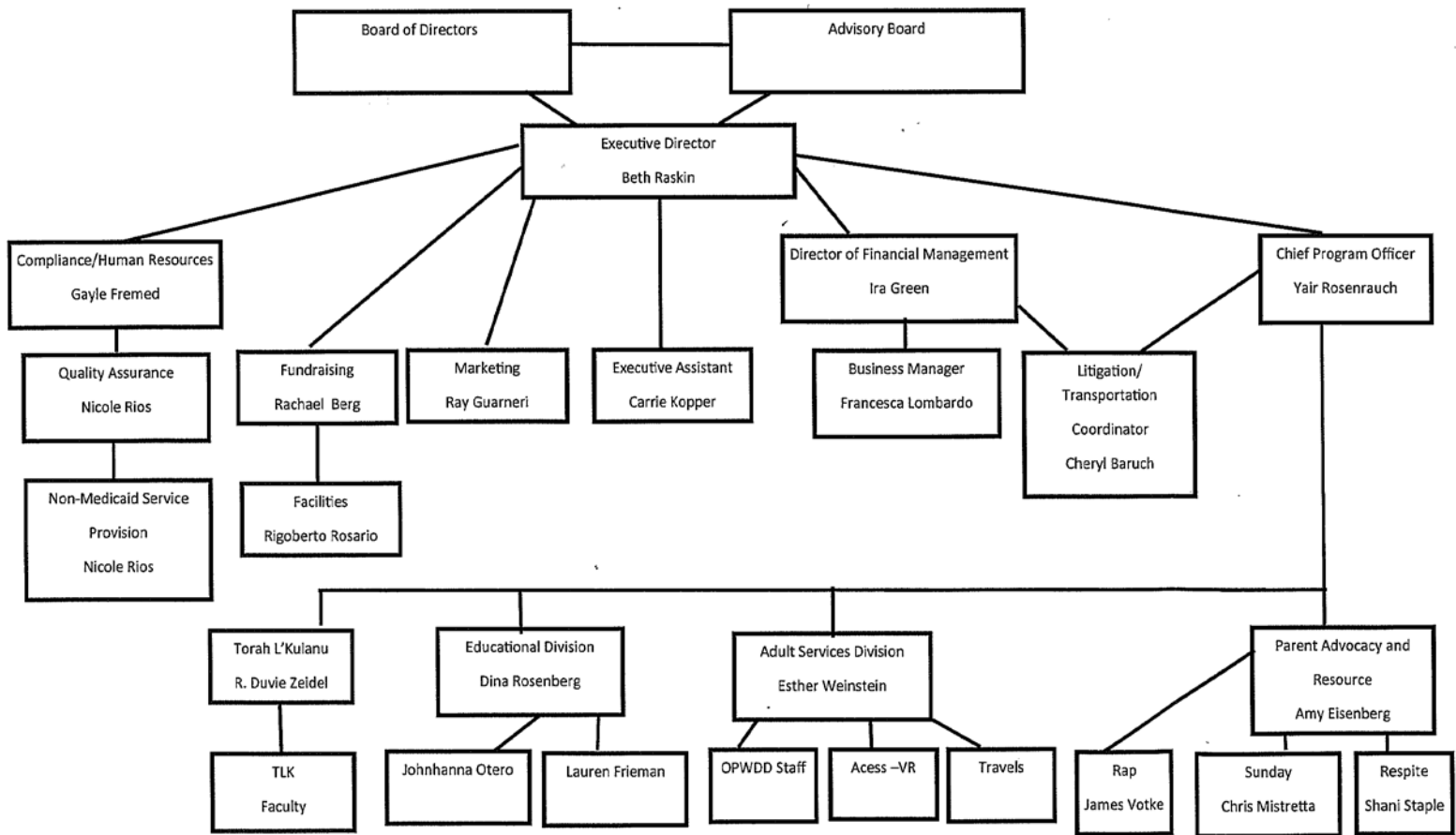




# **Part One: About Kulanu**



## **Section 1.02: Kulanu Mission Statement**

**Our mission is to enable each individual to reach his or her full potential, empowering each one to become a participating and accepted member of society, with a good quality of life and a hopeful future.**

## **Section 1.03: Equal Employment Opportunity**

Kulanu affords equal opportunity to all employees and applicants for employment without regard to race, color, sex, religion, national origin, citizenship, marital status, age, physical or mental disability, or any other classification protected by federal, state or local law. This policy covers all employment decisions such as those relating to recruitment, hiring, training, promotions, employee compensation and termination.

## **Section 1.04: Legal Name of Agency**

It is necessary for business reasons that the Agency's formal — that is, legal — name be used on all contracts and other documents of a legal nature.

Therefore, all documents issued to the Agency must reflect this legal identification:

**Kulanu Academy.**

Documents not bearing the Agency's legal name will be returned for correction.

## **Section 1.05: Developing Policies and Procedures**

In order to retain necessary flexibility in the administration of policies and procedures, Kulanu reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this document. The only recognized deviations from stated policies are those authorized and signed by the Executive Director and/or Chairperson of the Board of Directors.

# **Part Two: Finance**

## **Section 2.01: Finance Mission Statement**

To contribute to the long-term growth and profitability of Kulanu by providing leadership, financial and business analysis, performance reviews, and support of Kulanu's management process by facilitating fact-based decision making.

This will be accomplished by developing and providing actionable management information through raising issues, providing guidance and making recommendations which will be used by the Agency in focused business planning and analysis. These services will be provided in a timely and cost efficient manner.

The Department's mission will be accomplished when the following achievements have been attained:

- 1.) Kulanu's management process facilitates and ensures that Kulanu achieves its articulated short and long-term financial goals.
- 2.) The Finance Department delivers the highest quality analytical support and credibility at the lowest possible cost. This goal will be evaluated through our achievement of productivity improvements, and a self-assessment of whether our recommendations are being understood and utilized by senior management.
- 3.) Complete integration of the Kulanu management process.

In delivering these services and achieving our goals, the Finance Department is committed to increasing organizational effectiveness, being customer driven, managing productivity, and providing corporate leadership.



## **Section 2.01.01: Gift Policy**

You are prohibited from soliciting or accepting any gifts or merchandise, personal services or gratuities from suppliers, contractors, other employees or others with whom Kulanu does business.

## Section 2.01.02: Contract and Lease Approval

Contracts and leases are legally binding for all Kulanu projects and properties, and therefore demand a process of careful and responsible approval. These are the procedures:

1. All **contracts** must be submitted to the Executive Director, who will subject them to review by counsel as necessary and have them checked for budgetary authorization.
2. After budgetary and legal review, all approved **leases** will be signed by the Executive Director or an individual he/she designates.
3. Signed contract and lease documents will be distributed in the following way:

One original to the vendor.

One original to the central files.

One photocopy to the appropriate department or facility.

### **Section 2.01.03: Sales Tax Exemption**

Kulanu is tax-exempt — under IRS section 501(c) 3 — and is not required to pay sales tax on purchases or services.

- Kulanu's official sales tax exemption form should be cited when making purchases on behalf of Kulanu. Forms are available from the Finance Department.
- Sales taxes must be deleted from all invoices before they are submitted to Finance for payment.
- Staff members who have paid sales tax on Kulanu-related purchases may *not* claim reimbursement from Kulanu.

## Section 2.01.04: Petty Cash

### Policy Overview

Agency practice is to use petty cash *as little as possible*. Instead, Kulanu encourages setting up vendor accounts whenever possible (help is available from the Finance Department) and making purchases on a planned basis so as to avoid unnecessary petty cash activity.

Petty cash is intended for small purchases where credit cannot be arranged, or — in true *emergency* situations that cannot be anticipated — for larger purchases. In general, petty cash is not appropriate for items costing more than \$50.00, and should not be used for repeat purchases from the same vendor.

### Reimbursement

It is essential that submissions for petty cash reimbursement be accompanied by an original receipt from the place of business where items were purchased or services were provided, along with purchase orders. Altered receipts will not be accepted. Submissions of cash reconciliation must reflect exact descriptions of the items purchased. For example, a generic description such as “program supplies” is not acceptable. Documentation that is acceptable should indicate:

- The amount of money spent.
- The date of expenditure.
- Specifically what goods or services were purchased for the amount.
- For what Agency-related purpose the expenditure was made.
- Why petty cash rather than a charge was used — in cases other than those where cash must ordinarily be paid, as with cabs, subways, and the like.

The following brief table illustrates what represents both “unacceptable” and “acceptable” documentation to make a case for petty cash reimbursement.

<b><i>Unacceptable Documentation</i></b>	<b><i>Acceptable Documentation</i></b>
“05.05.2007 — cab — \$5”	“05.05.2007 — cab to take program participant, John Jones, to medical appointment. No van available.” (Plus receipt.)
“06.06.2007 — paint — \$12”	“06.06.2007 — special paint purchased from store where we had no charge account. Needed for rush repair in classroom.” (Plus receipt.)

A useful rule of thumb for documenting petty cash expenditures is to write your

explanation so that someone reading it who knows nothing about your operation will come away with enough information to understand why you bought what you did, when you bought it, and why you used petty cash.

## **Petty Cash Purchase Orders without Receipts**

Policy dictates that Petty Cash Vouchers may be accepted as receipts *only* in limited circumstances. These include:

- Parking meter money — with dates, times, and places noted on the voucher.
- Money given to an individual for use during habilitative activities or as indicated in a behavior plan. The individual's name and dated signature must be on the voucher.
- Rarely, in a case where a purchase receipt has been lost.

## **Reconciliation**

A responsible staff person should be designated for petty cash within each division. This staff person will collect petty cash from the Business Manager after this check has been cashed by the Finance Director.

Each division's "petty cash person" must balance the petty cash account on the 30<sup>th</sup>/last day of every month, using a Petty Cash Reconciliation sheet. The documented results should be submitted to the Business Manager, with a copy kept on file.

## **Uses Not Permitted**

Kulanu policy forbids the use of petty cash or other Agency funds to pay for staff parties — e.g., birthdays, farewells, showers, retirements — or other such "special occasions" without express executive staff permission. Money spent in this manner *without* executive approval must be reimbursed to the petty cash.

## **Section 2.01.05: New or Change Bank Accounts**

### **Establishing Bank Accounts**

#### **Policy Overview**

- The Director of Financial Management shall approve the creation of new bank accounts and updated accounts.
- The establishment of all bank accounts must be processed through the Finance Department. The account name must contain the name of Kulanu or its affiliate company—plus its intended purpose.
- When selecting a bank, priority should be given to established banking relationships.
- The program department administration in conjunction with the Finance Department should periodically re-evaluate the need for and size of each bank account with the goal of reducing the number of bank accounts and eliminating those deemed unnecessary.

#### **Procedure**

1. Requests for new accounts, changes to existing accounts, or account closures are to be made in consultation with the Executive Director and Finance Committee; and are required to be approved by the Board of Directors.
2. The Finance Department will initiate communication with the proposed bank to establish the new account authorization.
3. The signature cards must be signed by two corporate officers and/or Executive Director to which the bank account is assigned.
4. After all required signatures are obtained on the required documents, the Finance Department will forward to the selected bank for processing:
  - A cover letter requesting the establishment of the new account. The letter will contain the contact information of the Kulanu Executive
  - Signature card
5. The Finance Department must obtain all of the relevant account information from the bank.

## **Section 2.01.06: Alterations to Premises**

Agency personnel must consult with the Executive Director before undertaking any alterations or renovations to Kulanu-operated premises.

Advance discussions with the Executive Director are necessary in order to satisfy a number of important requirements — business, financial, operational, and regulatory.

## **Section 2.01.07: Independent Contractor Agreements for Consultants**

### **Policy Overview**

An Independent Contract Agreement must be executed to purchase consultant services, including those offered by a clinician.

#### **Entering consultant services in the Purchase Order System**

All consultant services must be entered into the Purchase Order System for payment. To confirm the cost of the consultant service, the contract must be included with the purchase order.



# Section 2.02: General Ledger Setup

## Section 2.02.01: Chart of Accounts

### Maintaining the Chart of Accounts

Kulanu maintains one official Chart of Accounts — which is a table listing all of the income, expense, asset, and liability accounts contained in the Kulanu's general ledger.

### Changing the Chart of Accounts

Kulanu's process for initiating and approving a Chart of Accounts change involves four separate steps:

1. The party requesting a Chart of Accounts change — e.g., altering an account number, adding a new program, deleting a program site — starts the process by sending a memo to the Accounting Manager outlining the requested change.
2. The Accounting Manager **creates** a draft outlining the proposed change to the Director of Financial Management with comments on the suggested change.
3. If the change is approved, the Business Manager **updates** the Chart of Accounts.

## **Section 2.02.02: Reporting Unit Requests**

To establish a new Reporting Unit (RU) or to modify details concerning an existing RU, contact the Director of Financial Management. The RU Table is available and is updated periodically in an electronic database.

# Section 2.03: Payroll

## Section 2.03.01: Payroll Verification

### Payday

All employees are paid on the 15<sup>th</sup> and last day of the month. Each paycheck will include earnings for all work performed for that payroll period. In the event that a regularly scheduled payday falls on a holiday, you will receive your pay on the first day of work after the regularly scheduled payday.

If a regular payday falls during your vacation, your paycheck will be available upon your return from vacation.

**Education Division:** Employees receive their yearly salary distributed over a twelve-month time period which runs from September 1st to the following year August 31<sup>st</sup>.

### Wages, Pay Deductions and Setoffs

Your pay stub will show you how your check was computed. It shows your regular pay, overtime pay (if any), gross pay, and details of deductions for that pay period and year-to-date totals.

The law requires that Kulanu make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes and social security.

Kulanu offers certain programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.

Kulanu may be required, generally by order of a court of competent jurisdiction, to garnish an employee's wages. If this is done, your pay stub will provide an accounting of amounts being garnished. Changes to such arrangements and amounts can be made only by the authority ordering the garnishment, not by Kulanu.

If you have any questions, concerning why deductions were made from your paycheck, or how they were calculated, the finance department can assist in answering your questions.

### Confidentiality of Pay

Your salary information is confidential and should not be discussed with co-workers.

Salaries are based on individual credentials, productivity, longevity and experience. If you compare your salary with those of your co-workers, you generally do so without taking all criteria into consideration and tend to create an atmosphere of discouragement and ill will, which is often unfounded and affects the overall working environment. It is vital that all employees maintain the highest level of professionalism. Therefore, disclosure of salary information to unauthorized individuals, i.e. non-management personnel, will result in disciplinary action which may include termination of employment.

### **Administrative Pay Corrections**

Kulanu takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, you should promptly bring the discrepancy to the attention of the Finance Department so that corrections can be made as quickly as possible.

Corrections and adjustments will normally be included in the first paycheck following your notification of the discrepancy.

## **Section 2.03.02: Release of Final Paycheck**

The final paycheck of an employee leaving Kulanu through dismissal or resignation will be mailed to the employee.

This last check will represent compensation for both time actually worked and for the employee's accrual time — minus amounts the employee owes Kulanu.

# **Section 2.04: Purchasing**

## **Section 2.04.01: Comprehensive Purchasing Policy**

In order to be fiscally responsible, purchases are carefully monitored and approved by the Division Leader. All purchases over \$20.00 require a purchase order. Purchase order forms may be obtained from the Business office and must be fully completed before submitting for approval. Once an order has been placed, a copy of the approved purchase order will be returned to the individual. When the item has been received, the packing slip and the copy of the purchase order should be returned to the Division Leader and/or designee. The Division Leader and/or designee will schedule the bill for payment. All materials purchased by Kulanu remain the property of the school.

As a Not-for-Profit organization, Kulanu is exempt from paying sales tax. When making small purchases (under \$20.00) employees must take a copy of the tax exempt form with them and present it to the vendor. Should the employee request reimbursement for the purchase, a reimbursement form and the original receipt must be forwarded to the Business office within 10 days of purchase. Employees will not be reimbursed for sales tax expenses if they neglect to use the tax exempt form.

## Section 2.04.02: Accounts Payable Documentation

Following is a summary of documentation requirements established by the Finance Department so that it may complete payment for various kinds of business obligations throughout Kulanu. This list should be revisited regularly in order to stay current with Accounts Payable documentation specifications for additional activities.

1. **Reimbursement Requests.** Reimbursement requests will be entered into the Payables System, summarized by account category. Reimbursement requests are to be approved by your supervisor or above. All *original* receipts must be attached to a summary reconciliation form and forwarded to the Finance Department, which will then complete the process.
2. **Advances.** Requests for advances will be entered into the Payable System. All advances are to be approved by a supervisor or above. Upon receipt of the original bill by the department, finance will process a journal entry to remove the advance charge, and distribute costs as directed. All unused cash advances must be returned and credited to the advance account.
3. **Agency Credit Cards.** All credit card charges incurred should be submitted with the appropriate original backup documentation attached. Documents should be taped to a sheet and summarized by account category. If the submission is made via the Internet, it should be accompanied by a copy of the monthly billing statement. When entering charges into the Payable System, the name of the credit card company goes in the Vendor space. The company from which the goods and services were purchased is entered in the Notes field.
4. **Utilities.** All original utility bills — including those for electricity, telephone, cable, water, and the like — must be forwarded immediately, upon receipt, to the Finance Department for processing. Prompt processing and payment is required in order to avoid paying delinquent fees.
5. **Maintenance and Service Agreements, and Equipment Leases.** Original, fully-executed agreements received must be forwarded to The Finance Department, with each division having one person responsible for managing this type of expense. Once a contract or agreement is approved, a blanket Purchase Order will be created for each contract — with account category and amount preset — for the duration of the agreement. Any additional amounts billed, for time and material or other charges, should be entered into the Payable System to follow the regular approval process.
6. **Purchase of Service (POS)/Professional Fees.** Bills of this kind will be received directly by the department using the services. A record of all services rendered by a service provider should be entered into the Payable System, in detail, by date of service. The Vendor is the company that supplies the service provider. If the agency contracts with the service provider directly, the provider is listed as the vendor.

7. **Equipment Priced Greater Than \$1,000.** To the extent possible, three bids should be obtained for purchases of this type, with the \$1,000 figure being determined either by the cost of an individual item or the aggregate cost of multiple items. (For example for a purchase of 10 of the same items with a value of \$110 each, the bidding process is required.) Once the Buyer has submitted a winning bid order to the vendor, and a Purchase Order has been created, the bid documents must be sent to The Finance Department. Invoices will be sent directly to The Finance Department for matching with the bid package.
8. **Leasehold and Building Improvements.** To the extent possible, three bids should be obtained for all leasehold or building improvements over \$1,000. When the Buyer has submitted a winning bid order to the vendor, and a Purchase Order has been created, the bid documents must be sent to The Finance Department. Invoices must be sent directly to The Finance Department to be matched with the bid package.
9. **Computer Equipment and Supplies.** Acquisition of computer equipment or supplies must be entered into the Payable System and follow the regular approval process. Upon receiving the equipment or supplies, IT invoices will be sent directly to The Finance Department.
10. **Conferences and Travel.** Requests for conference attendance and travel are to be approved by the requestor's Division Leader. Upon conference attendance or travel completion, relevant bills must be submitted to The Finance Department — with *original* receipts taped to the bills.



### **Section 2.04.03: Check Authorization and Signing Procedure**

The Agency's Accounts Payable checks are produced through an authorization and signing procedure involving several levels of review and accountability.

1. Checks of up to \$2,000 are printed and signed by the Executive Director.
2. All checks for an amount greater than \$2,000 must be signed by an authorized signatory of the Board.

## Section 2.04.04: Bidding Process

In order to comply with standards set by various funding agencies, it is Kulanu's policy to obtain, to the extent possible, three bids prior to the purchase of products or services that will cost more than \$1,000.

It is essential to this process that all of the competing bids be quoted on *identical* specifications for the product or service being purchased. Thus, the department seeking the bids must make clear *in writing* exactly what it wishes to purchase. Then, it must make sure that incoming bids meet the specifications.

It is Kulanu's policy to accept the lowest bid that meets specifications.

# Section 2.05: Revenue

## Section 2.05.01: Donations, Grants, and Restricted Gifts

Donations, grants, and gifts represent important sources of revenue that help advance Kulanu's mission. Therefore, all Kulanu personnel need to observe the guidelines that follow:

- Individuals offering to make donations of any kind to Kulanu should be told to contact the Kulanu Fundraising and Special Events Coordinator for particulars on how to proceed. Donation checks to Kulanu or any of its programs must be forwarded to the Fundraising and Special Events Coordinator.
- All requests for donations and grants from private, philanthropic, non-governmental sources should be made through the Fundraising Department. The Coordinator will obtain approval from the Executive Director for concept and budget, before seeking grants from outside sources.
- Donations or grants received by Kulanu for *restricted* purposes will be released by the Executive Director for allocation as needed— consistent with the donor's specified purposes.
- Once the Executive Director has released donations or grants, the Coordinator will convey details about them and their restrictions to the Business Manager. In turn, the Business Manager will forward information about the donations or grants to appropriate division leaders and business leaders.

Division leaders assume several responsibilities where donations and grants are concerned:

- They must make certain that the funds are used for the expressed purposes for which they were made.
- They must meet any deadlines imposed by funders.
- They must maintain complete and accurate records regarding the use of grants and expenditures, made in accordance with the approved budget.

Division leaders will provide this information to the Fundraising and Special Events Coordinator upon request.

The Fundraising and Special Events Coordinator will have direct contact with donation and grant funders. Acknowledgements of support and reports to funders may come from the Executive Director or the Fundraising and Special Events Coordinator.

# **Section 2.06: Financial Reporting**

## **Section 2.06.01: Internal Financial Reporting**

The Finance Department produces preliminary monthly financial reports from the general ledger system by the tenth day of the month that follows. These preliminary reports are available for review by the division leaders.

The Finance Department also shares final monthly performance reports for review by the division leaders. These final reports are available by the third week of the following month.

Finally, the Finance Department creates fully allocated profit and loss statements that are distributed to upper management, department heads and business managers for review and discussion. Individual department results should be evaluated in monthly meetings, where explanations for variances can be put forth and reviewed.

## **Section 2.06.02: Board Financial Reporting**

Financial-performance reports will be summarized and circulated to the Kulanu Board of Directors and our financing institutions. These reports will be in addition to other fiscal information the Board regularly receives.

### **Section 2.06.03: Funding Source Financial Reporting**

Kulanu submits all claims for payment on designated documents or online software, per the specific funding agency. All fiscal financial reports will be completed per the prescribed contract or grant language with information that is extracted from the General Ledger accounting system at Kulanu. Also, the Consolidated Fiscal Report will be completed and submitted to all applicable funding government agencies within five months after the fiscal year end.

## **Section 2.06.04: Banking Institution Financial Reporting**

Shortly after the internal monthly financials are distributed, Kulanu will send balance sheets and profit-and-loss statements to its banking institutions as required by credit instruments.

## Section 2.07: Administrative Record Retention Guidelines

The tables below identify documents, common to all divisions, that must be retained as directed.

### Human Resources Related

Document Type	Retention Period	Location
Personnel file:		Human Resources
<ul style="list-style-type: none"> <li>New hire packet</li> <li>Employee medical</li> <li>References</li> <li>Fingerprint clearance</li> <li>Evaluations</li> <li>Certification(s)</li> <li>Training certificates</li> <li>PCNs</li> </ul>	7 years	(Once these materials have been delivered to Human Resources, any on-site or departmental copies may be destroyed.)
Attendance sign-ins	6 years	Human Resources
Staff timesheets	6 years	Payroll
Staff docks	6 years	Payroll
Staff absentee forms	6 years	Human Resources
Applicants not hired	1 year from decision date	
COBRA-related documents	6 years	Human Resources
Documents related to obtaining ability to work for foreign nationals	5 years	Human Resources
Employee exposure forms and related material	30 years	Human Resources
ERISA documents	6 years	Human Resources
I-9	1 year from termination or 3 years from completion of form, whichever is later	Human Resources
MSDS sheets	30 years from the date substance was last received	Facility
OSHA 300, 301	5 years	Human Resources
Pension documents	Permanent	
Workers' Compensation case records	If allowed, 18 years from injury, but not less	



than 8 years from last payment; if not allowed, 7 years from accident or illness

## Corporate Documents

Document Type	Retention Period	Location
Audits: Fiscal Internal or External	6 years	Finance office
Budget:		
Official copy	Permanent	Executive office
Work papers	6 years	Finance
Collective bargaining agreements	expiration +6 yr	Human Resources
Construction documents:	Life of property	Executive office
Specifications		
As-built drawings		
Certificate of Occupancy		
Contracts:		
Construction	10 years	Executive office
Architecture	10 years	Executive Office
Union	Permanent	Human Resources
Employee handbooks, including all revisions (master)	Permanent	Executive office
Insurance		
Policies	Permanent	Executive office
Claims material	6 years from Settlement	Executive office
Policy (insurance)	18 years from expiration	Executive office
Lawsuits: Including initial summons and all related materials	5 years after disposition of case	Executive office
Minutes of Board, Committees, Bylaws, Certificate of Incorporation	Permanent	Executive office
Long-range plans	Permanent	Executive office
Materials distributed for Board and Committee meetings	5 years, unless historically valuable. See <b>note 2</b> at end of this document.	Executive office

Official publications (file copy) by KULANU	Permanent	Executive office
Policy and Procedure Manuals including all revisions (master)	Permanent	Executive office
Property records: including deeds and title papers	Permanent	Executive Office
Proposals: Not funded	1 year	Department
Proposals: Funded	6 years after final payment	Department
Tax-exemption records	Permanent	Finance office

## General to All Departments

Document Type	Retention Period	Location
Correspondence:		
Documenting significant policy, or decision-making, or legal issues	Permanent	Department
Routine legal, fiscal, or administrative information	7 years	Department
Grant program file: including proposal, award letter, reports, vouchers	7 years, unless longer period required by grantor	Department
HIPAA		
Signed receipt for <i>Notice</i>	Permanent	Case file
Copies of release authorizations, other actions	6 years from date action was taken	Case file
Internal investigations	7 years	Department
Licenses, certification of programs	10 years	Department
Listing of all items in storage	Permanent	Department
Records disposition documentation	7 years	Department
Repair, installation, maintenance or similar record	7 years	Department
Visitor registration records	1 year	Reception

# **Part Three: Human Resources**

# Section 3.01: Hiring

Kulanu's hiring practices mandate fairness and equal opportunity at all times. It is essential that all administrators work with the Human Resources Department to assure the success of this policy.

When a position becomes available, the department doing the hiring will create a job description and give it to the Human Resources Department.

## NEW EMPLOYEE PACKET

1. Aetna Medical Form
2. Care Connect Form
3. Guardian Form
4. Medical Selection Form
5. W4
6. Pay Rate Form
7. Personnel Payroll Action Form
8. Access to Employee Page
9. Handbook Signature Page
10. Emergency Form
11. 403B Plan Summary to be accessed through Employee Page
12. Employment predicated on background check agreement
13. Benefits received/Code of Conduct packet (1<sup>st</sup> Corporate Compliance Training)
14. Authorization for the Release of Information Form

## Background Checking

To ensure that individuals who join Kulanu are well qualified and have a strong potential to be productive and successful, it is our policy to check the employment references of all applicants.

The Human Resources Manager is the only person authorized to respond to reference check inquiries from other employers. All requests for such information are to be referred to the Human Resources Manager.

All requests should be in writing. If not, the only information that will be provided are dates of employment.

## **Section 3.01.01: Verifying Job Applicant Documentation**

Agency policy specifies that the Human Resources Manager must confirm a job applicant's credentials prior to employment, and periodically after that. This means that any degrees, licenses, or certifications claimed by an applicant must be verified if they are requirements for the position being sought, or if they merit premium pay in that position.

### **Process for Verifying Education Degrees**

#### **Authorization**

If an individual is being hired for a position where a degree is required, or where the person is going to be paid additional monies for a degree, then the applicant must complete and sign Human Resources' *Authorization for Release of Background Information Form*.

### **Process for License and Certification**

#### **Authorization**

If a person is being hired for a position that requires a license or certification, or where the individual is going to be paid additional monies for a license or certification, then the applicant must complete and sign an *Authorization for Release of Background Information Form*.

### **Section 3.01.02: Criminal Background Check**

All new staff hired by Kulanu must be screened by the Agency's criminal background checking process prior to employment. The criminal background checking program is conducted by the Human Resources.

An applicant's refusal to sign a background search consent form will disqualify the individual from employment with Kulanu.

## **Section 3.01.03: OPWDD Policy on Fingerprinting**

As part of its comprehensive effort to protect the health and safety of the individuals we support, Kulanu complies with NYS and OPWDD regulations by fingerprinting everyone in Agency positions who have *regular and substantial unsupervised or unrestricted physical contact* with the individuals we support in OPWDD and Medicaid funded programs.

This section provides New York State OPWDD-specific policies and procedures for fingerprinting. These OPWDD specific procedures do not apply to the following groups of employees who work in programs not under OPWDD jurisdiction:

- Employees of the Education department
- Sunday Respite Program
- Holiday/Summer Respite Programs
- Torah L' Kulanu

For these groups of employees the Program Departments are responsible for complying with regulatory and KULANU agency policies concerning background checks.

## **Hiring Department Responsibilities**

For employees working in OPWDD funded programs:

The following information will be submitted upon the offer of a position at Kulanu. Employment at Kulanu will be contingent upon the results of these background checks.

- MHL- Mental Hygiene Law- Abuse/Neglect History Check Form OPWDD 151
- Applicant Consent form for Fingerprinting for Justice Center Criminal Background Check (CBC)
- Justice Center for the Protection of People with Special Needs Staff Exclusion List (SEL)

## **Making Fingerprinting Appointments**

The candidate is responsible for making their fingerprinting appointment.

## **Accessing OPWDD Criminal Check Results**

Results of criminal checks may be accessed via the OPWDD secure site by the following KULANU staff:

- Human Resources Manager
- Compliance Officer
- Quality Assurance Specialist

## **Next Steps**

The following steps should be taken, predicated on the results of the process to this point:

### **No Criminal Record**

If there is no record of criminal activity, abuse or neglect, then the Human Resources Manager will inform the hiring division that the candidate has OPWDD/Justice Center clearance.

### **Limited Findings**

If the results come back with “limited findings”, Kulanu reserves the right to assess each candidate on a case-by-case basis.

### **Pending Denial**

If OPWDD considers issuing a denial, it will first advise the candidate — in writing — about the following:

- OPWDD procedure to appeal the pending denial.
- DJCS procedures, by which applicants can obtain, review, and seek correction of the information.

Candidates must respond to OPWDD within the specified time frame indicated in the letter. The candidate’s response must contain a statement as to why the candidate’s application should not be denied as well as a written explanation of, or documentation of, a request to DCJS. Failure to provide the response to OPWDD within the specified time frame will result in an automatic denial.

### **Denial**

Should OPWDD deny a candidate’s application, these steps will follow:

- Kulanu’s Human Resources Manager will provide a copy of the results to the Division Leader.
- The Division Leader informs the candidate, in writing, that the criminal history information provided by OPWDD is the basis for not hiring the individual.

A copy of the letter informing the candidate that he or she will not be hired will be kept on file for one year.

### **New Arrest Notice**

When a new notice of arrest is received, Kulanu’s Human Resources Manager will forward a copy to the Division Leader and a risk assessment will be conducted.

## **Retaining Criminal Background Check Results**

Responsibility for retaining copies of all criminal background check results rests with the Human Resources Department. It will follow these procedures:

- HR will print out copies of all results and maintain them for exactly one year from the



date on which they are received after which they will be destroyed in accordance with OPWDD policy.

- Under no circumstance should the department doing the hiring retain criminal background check information.

### **Section 3.01.04: Verification of Ability to Work in the U.S. (I-9 Form)**

Along with all other employers in the United States, Kulanu is required by the Immigration Reform and Control Act of 1986 (IRCA) to determine that all new employees are legally entitled to work in this country. Therefore, the Agency must have on file a completed form known as an "I-9" for every employee hired after November 6, 1986. IRCA specifies that all job applicants and their prospective employers must fill out the government's I-9 form, which includes a section requiring that applicants supply various forms of documentation to confirm their identity, citizenship, work-authorization status, and other information.

Kulanu's employment package must include a completed I-9 form, plus a photocopy of the documentation supplied by the applying candidate.

## Section 3.01.05: Job Postings and New Positions

### Promotions

Kulanu seeks, where feasible and practical, to fill vacancies with qualified employees already working in Kulanu. Of course there is no guarantee that such vacancies will be filled from within. Promotions are based on individual ability, efficiency, productivity, performance, qualifications, disciplinary record, experience, attendance and punctuality records, educational background, length of service, and the needs of Kulanu.

### Transfers

You may have the opportunity to move into another job as a way of improving your skills; expanding your experience and helping you advance your career. Similarly, a situation may arise in which management may decide that a transfer serves the best interests of Kulanu. If management initiates a transfer, for whatever reason, you will be expected to comply.

If you are interested in making another career move, it is your responsibility to notify your supervisor as to your interests and that you are seeking another position. There will be no negative effect on your standing in your current position, or retaliation for having pursued another job opportunity. In most cases, you will be referred to Human Resources for available job vacancies. You may pursue any position, with your immediate supervisor's approval, provided you meet the following qualifications:

- You must be in your present position at least one year;
- You must meet all specific job requirements identified for the open position;
- Your last performance appraisal must be a satisfactory rating;
- You may not be in any stage of the corrective action process; and
- You may not apply for a second position while you are being considered for another.

Your eligibility will be reviewed, and you will be notified of the open position you are interested in.

The appropriate program director will participate in the selection process with the manager who has the open position. An employee who is scheduled for an interview must let his or her immediate supervisor know before the actual interview. After candidates have been interviewed, your immediate supervisor or Division will confer with the hiring manager to make the selection decision. Kulanu reserves the right to fill any open position with an external candidate at any time during the interview process.

**Division Leaders are required to discuss the potential transfer of an employee with their current Division Leader PRIOR to approaching said employee regarding a potential new position.**

All openings for new positions will be posted on the Kulanu Website and Network.

## **Section 3.01.05.01: Requesting Job Advertisements**

### **Placing job Requests**

All employment advertising is processed by the Human Resources Department. To request a job advertisement, please contact the Human Resources Manager.

## **Section 3.02: Benefits**

### **Section 3.02.01: Eligibility for Benefits**

Kulanu provides its employees with numerous benefit plans. Many benefits cover not only Agency employees, but also their qualified family members. Benefits offered depend on the employees' status and may include the following coverage:

- Medical insurance.
- Dental insurance.
- 403B Plan.

If an employee leaves the Agency, all benefits will terminate at midnight on the date of separation. However, departing employees will have an opportunity to continue their health coverage at their own expense under provisions of the federal law known as COBRA.

## **Section 3.02.02: COBRA Privileges**

Under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Kulanu offers employees and their eligible dependents who are covered by group health plans the opportunity to continue coverage at their own expense in certain circumstances where coverage would otherwise end.

Those having questions about details of COBRA coverage should contact the Human Resources Department.

# Section 3.03: Leaves of Absence

## Personal Leave

Under exceptional circumstances and at its sole discretion, Kulanu may grant unpaid personal leaves of absence to regular full-time employees who have compelling reasons to take time off from work to fulfill personal obligations.

If you are an eligible employee in need of personal leave of absence, you should submit a written request with a full explanation of the circumstances, for the approval of your immediate supervisor or the Division Leader.

Unless there are emergency circumstances, such requests should be submitted at least two weeks before the start of the leave. An expected return date must be specified in the request.

In case of emergency, when prior notice is not possible, you must notify your immediate supervisor or the Division Leader within one week of the cause and need to take a leave of absence. Medical certifications may be required to support the request for leave.

Requests for personal leave will be evaluated based upon a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

During any unpaid leave of absence, you will not earn vacation or sick leave benefits. Seniority will not accrue. If continuity of health benefits is desired, it will be at your expense and will be billed to you by the Finance Department. When you resume regular full-time status, benefits will again be provided by Kulanu according to the applicable plans.

When your personal leave ends, every reasonable effort will be made to return you to the same position, if it is available, or to a similar available position for which you are qualified. However, Kulanu cannot guarantee reinstatement in all cases.

If you fail to return to work promptly at the expiration of the approved leave period, Kulanu will assume that you have resigned and will terminate your employment effective the first day of unauthorized absence.

## Disability Leave

If you are ill or have a disability which will extend beyond your accumulated sick leave, you may request a leave of absence without pay up to thirty (30) calendar days in any twelve (12) month-period. The leave may be extended, at the sole discretion of Kulanu or as required by law, for up to a total of ninety (90) calendar days, provided that you request the extension prior to the expiration of the authorized leave. Disability leave requests and

extensions of leave must be accompanied by a Doctor's certificate. The decision whether or not to grant a disability leave under this policy and the length of any such leave is in the sole discretion of Kulanu, consistent with law.

### **Pregnancy Related Absences**

Kulanu will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this manual and all applicable federal and state laws.

### **PTO- Personal Time Off**

PTO is time available to you as per your individual contract.

Should you be absent from work for three or more consecutive work days due to illness, you may be required to provide a physician's certificate when you return to work indicating the nature of your illness and your physician's approval for you to resume your normal work responsibilities.

At the end of the school year, employees can redeem PTO days at a rate of one day for every two unused during the school year. Interested employees may "bank" PTO days at the end of each year. Up to a maximum of five PTO days may be banked each year. Those days that are forwarded and banked may not be used for financial reimbursement at any time.

Please note that the accrual of sick days is a benefit offered by Kulanu to recognize the effort that staff put in to come to work on occasions where they may feel a bit under the weather. In appreciation of that effort, the school's desire is to increase the pool of sick days available when a staff member may require time off in the event of serious illness. Accordingly, sick days are not to be considered banked paid time off to paid for in the event of termination by the school or voluntary resignation.

### **Bereavement Leave**

In the event of the death of an employee's spouse, child, parent, grandparent, sister or brother, Kulanu will grant up to seven (7) consecutive days of paid bereavement leave as necessary. At Kulanu's discretion, additional time may be taken as unpaid personal leave, dependent upon circumstances.

### **Jury Duty**

In the event you receive notice to report for jury duty, please notify your immediate supervisor or the Division Leader immediately. Should the service time occur during the school year, you may be asked to try to have your jury duty postponed.

While you serve as a juror, you will be entitled to the difference between your regular straight time earnings and your jury service pay for up to three (3) working days. Should



you be excused early or for a day from jury duty, you are required to contact your immediate supervisor or the Division Leader to determine whether you should report to work. Upon your return to work from jury duty service, you must submit certification of such service to your immediate supervisor or the Division Leader.

## **Vacations and Holidays**

Each year the calendar is modified to account for the observance of general and religious holidays. If the holiday falls during your paid absence, you will not be charged for the time of the holiday.

It is expected that all employees will be present the days prior and subsequent to all vacations and holidays. Should an employee request either one of those time periods off, they may be taken with approval of your immediate supervisor or the Division Leader with the understanding that it will be counted at a rate of two days removed for one day of absence from work.

At Kulanu's discretion, individual offices or departments may be open or certain employees may be required to work, on some holidays. Your immediate supervisor or the Division Leader will coordinate any adjustments to the schedule.

## **Workers' Compensation**

Kulanu provides workers' compensation benefits for covered job-related accidents or illnesses at no cost to employees. Employees who sustain work-related injuries or illnesses should report them to their immediate supervisor or Division Leader. No matter how minor an on-the-job injury may appear, it is important that it be reported to your immediate supervisor or Division Leader immediately. Subject to applicable legal requirements, workers' compensation insurance provides benefits for injuries or illnesses that cause disability beyond seven calendar days or, if the employee is hospitalized, immediately. Forms for filing claims may be obtained from Kulanu's Human Resources Department.

## **Section 3.04: Maximum Accrual Payout Summary**

Subject to adherence to the procedures discussed in this handbook, all accrued, vested benefits that are due and payable at termination will be paid.

Some benefits may be continued at the employee's option and expense if the employee so chooses.

# Section 3.05: Dismissal/Separation

## Section 3.05.01: Resignation

If you resign, Kulanu requests (3) three weeks advance written notice of the effective date and reason for resignation. Any benefit time off is not considered part of the advance notice, as you are expected to work during the notice period. If benefit time is permitted to be used during the notice period, the effective date of your resignation may be extended accordingly.

If you call in sick during the notice period, you may be required, in accordance with law, to provide a doctor's note in order to receive sick pay. Your final paycheck will be issued to you on the next regular payday after your last day of active employment.

## Employment Termination

Termination of employment is an inevitable part of the activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation- voluntary employment termination initiated by an employee.
- Discharge- involuntary employment termination initiated by Kulanu.

## **Section 3.05.02: Termination**

Since employment with Kulanu is based on mutual consent, both the employee and Kulanu have the right to terminate employment at will, with or without cause, at any time. Employee benefits will be affected by employment termination as follows:

- Subject to adherence to the procedures discussed in this handbook, all accrued, vested benefits that are due and payable at termination will be paid.
- Some benefits may be continued at the employee's option and expense if the employee so chooses.

At the time of termination, the employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuation.

### **Letters of Termination**

New York State law requires that all terminated employees must receive a written notice of termination. This notice must contain the exact date on which the termination becomes effective and the exact date when the employee's benefits will end.

# Section 3.06: General Policies

## Section 3.06.01: Employee Conduct and Disciplinary Action

Kulanu does not tolerate workplace harassment of any kind — sexual or otherwise. Its policy is zero-tolerance for harassing behavior, which the Agency is committed to preventing or, failing that, disciplining severely. Kulanu’s anti-harassment policies are detailed later in this section, following a discussion of management’s role in seeing to it that these policies are successfully implemented.

### Progressive Discipline

The purpose of this policy is to state Kulanu’s position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Kulanu’s own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The primary purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although your employment with Kulanu is based on mutual consent and both you and Kulanu have the right to terminate employment at will, with or without cause or advance notice, Kulanu may use progressive discipline at its discretion.

Disciplinary action may call for any of the following steps: verbal warning, written warning, suspension with or without pay, or termination of employment—depending on the severity of the problem, the number of occurrences and the judgment of the administration. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most routine disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension, readjustment to schedule or payroll; and, still another offense may then lead to termination of employment. If more than 12 months have passed since the last disciplinary action, the process will normally start over.

Kulanu recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or in extreme cases, termination, of employment without going through the usual progressive discipline steps. Extreme cases would include, for example, theft of school property and/or property of colleagues, verbal or physical threats to children, clients or colleagues, verbal or physical abuse of children or clients, the use of drugs or alcohol immediately prior to and/or during working hours, unsafe supervision of children or clients, as determined by the Division Leader or any

other incident that is deemed harmful, or denigrating to a child, client or colleague.

The foregoing list is not an all-inclusive one; it merely provides a few examples of unacceptable conduct so serious that Kulanu may choose not to employ the progressive discipline procedure, up to and including termination of employment. By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the organization.

## **Rules of conduct**

Following is a partial list of infractions that are considered to be acts of misconduct requiring immediate disciplinary action up to and including termination of employment:

- Falsification of your employment records or other Kulanu records
- Unauthorized absence from your classroom or work area during work hours.
- Insubordination. Failure or refusal to follow the instructions of a supervisor, including refusal to accept a job assignment or direction, or overtime.
- Assault or battery on a fellow employee.
- Use or unauthorized possession of intoxicating beverages or unlawful substances on Kulanu's premises, or reporting to work under the influence.
- Possession of a weapon on Kulanu's premises

## **Employee Conduct and Disciplinary Action**

- Creating or contributing to unsafe conditions by act or omission
- Smoking on Kulanu's premises
- Unauthorized use or removal of Kulanu's property
- Excessive and/or unexcused absence or tardiness or failure to follow Kulanu call-in procedure.
- Disloyalty
- Inducing another employee to commit any breach of the foregoing rules or regulations.

Please refer to the Kulanu Code of Conduct for additional guidelines and information.

Should you believe you were unfairly disciplined we encourage you to use the Complaint Procedure, as part of our Corporate Compliance Policy, which is designed for the protection of employees who feel they were treated improperly.

## **Complaint Procedure**

Kulanu believes in the importance of its employees. Our objectives can be accomplished only through the cooperative efforts of everyone. Work-related problems, questions and complaints, however, are bound to arise in any place of employment. To resolve them as fairly and quickly as possible, Kulanu has developed a complaint procedure.

If you have a complaint or problem, you are encouraged to follow these steps:

1. Discuss the matter with your immediate supervisor or the Division Leader, clearly presenting the facts as you see them. Your immediate supervisor or the Division Leader will attempt to resolve the matter with you reasonably promptly; if this is not possible, he/she will try to give you a decision within two (2) working days. If the matter will take longer to investigate, you will be informed when the answer can be expected.
2. If the matter is not settled to your satisfaction, or if you do not wish to discuss the issue with your immediate supervisor or the Division Leader, you may submit your request or complaint in writing to the Corporate Compliance Officer. She will try to give you a decision within two (2) working days. If the matter will take longer to investigate, you will be informed when the answer can be expected.
3. If the matter is not settled to your satisfaction, you may submit your request or complaint in writing to the President of the Board of Directors. They will investigate the matter. You should receive an answer and/or decision within a five (5) day period; however, this time period may be extended when necessary.

Please refer to the Kulanu Corporate Compliance Policy for additional guidelines and information.

Final decisions will be made by administration based on known facts and with due consideration given to the best interests of you, other employees, and the needs of the agency.

## **Sexual Harassment**

Kulanu is strongly committed to its policy that all employees have a right to work in an environment free of discrimination. We will not tolerate any form of harassment by supervisors, co-workers or parents. Such conduct may result in disciplinary action up to and including termination of employment.

Harassment can take many forms including, but not limited to, harassment based on sex, race, citizenship, age, national origin, religion, disability and sexual orientation. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale and that interferes with a positive and productive work environment.

## **Prohibited conduct**

Sexual harassment, as defined by the United States Equal Employment Opportunity Commission in guidelines interpreting Title VII of the Civil Rights Act of 1964, is unlawful. Such prohibited conduct has no legitimate business purpose and exposes not only Kulanu, but also the individuals involved in such conduct, to significant liability under the law.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, examples of these behaviors include but are not limited to:
- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body
- Unwanted sexual advances or requests for sexual favors, sexual jokes and innuendo; Verbal abuse of a sexual nature
- Commentary about an individual's body, sexual prowess or sexual deficiencies;
- Insulting or obscene comments or gestures
- Display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and
- Other unwelcome physical, verbal or visual conduct of a sexual nature.

No administrator may threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, compensation, advancement, assigned duties, or any other term and condition of employment or career development.

Harassment based on any other protected characteristic is likewise strictly prohibited. Such harassment may include verbal or physical conduct that denigrates or show hostility or aversion toward an individual because of his race, color, religion, sex, national origin, age, disability, citizenship, marital status or any other characteristic protected by law that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment; Had the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

This policy applies to all applicants and employees and prohibits harassment, discrimination and retaliation, whether engaged in by co-workers, supervisors, administrators, or others (e.g. Board members; consultants; parents)



## **Harassment Complaint Procedure**

An employee who feels he or she is a victim of harassment or who has knowledge of such behavior is encouraged to follow these steps:

### **Employee Conduct and Disciplinary Action**

- Submit your complaint orally or in writing to your immediate supervisor or the Division Leader.
- The complaint should detail the facts and circumstances of the incident(s) or pattern of harassing behavior. Failure to provide sufficient detail in the complaint may delay the investigation.
- If you do not have immediate access to, or do not feel comfortable reporting this to your immediate supervisor or Division Leader, you may report the matter to the Corporate Compliance Officer.

### **Response Action**

- Upon receipt of a complaint, your immediate supervisor or the Division Leader will notify the Corporate Compliance Officer without screening or investigating the complaint.
- Upon receipt of a complaint, your immediate supervisor or the Division Leader will investigate. The investigation may include personal interviews with the complainant(s), individual (s) against whom the complaint is filed, and who may have knowledge of the alleged incident (s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods or documents deemed pertinent to the investigator. In the event that the complaint went directly to the Corporate Compliance Officer, she will determine the best methodology to investigate the submitted complaint.

The investigation will be completed within 30 days. The results of the investigation will be communicated to the complainant, the accused, the Corporate Compliance Officer and the Executive Director.

All reports of sexual harassment will be investigated and, if substantiated, appropriate responsive action will be taken.

### **Retaliation is Prohibited**

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

Please refer to the Kulanu Corporate Compliance Policy for additional guidelines and information.

## Section 3.06.02: Performance Evaluations and Salary Review

Kulanu will formally review your performance semi-annually. Formal observation evaluation including pre and post observation meetings will be provided semi-annually. Evaluations are intended to be a source of communication between you and your supervisor. They are used to evaluate your performance, define goals for the coming year, commend your strengths, point out opportunities for improvement, and alert your supervisor to your needs. Kulanu encourages employees and supervisors to regularly discuss job performance on an informal basis outside the review process.

**Education Division:** Teachers are encouraged to utilize teacher portfolios as part of the evaluative process. We believe that portfolios have the potential to facilitate instructionally focused dialogue with colleagues and supervisors, as well as examine and define professional development.

### *Criteria Used in all Employee Performance Appraisals:*

#### Clearly Outstanding

This level of performance over a sustained period approaches the best that can be possibly expected of an employee in a given position. An employee in this level should have mastered every essential element of the assigned responsibilities and should be performing at a level well beyond the standards normally expected of the majority of incumbents with similar duties.

#### Exceeds Requirements

An employee at this level should be meeting all of the responsibility requirements in a manner indicating full understanding of all of the required job elements. The results achieved are consistently exceeding standards that would be expected of most incumbents.

#### Meets Requirements

An employee at this level should be meeting the requirements of the specific responsibilities in a fully acceptable manner. The results achieved meet the standards of those one would expect of an employee at this position level.

#### Unacceptable

An employee at this level is considered on probation and not eligible for an increase in salary. A specific period of time of not more than 60 days will be established for the employee to improve performance. If improvement is not shown, termination of the employee will result.

Your supervisor will meet with you in private to discuss the written evaluation and give you the opportunity to comment on it in writing. If you disagree with the performance review, you should discuss the differences with your supervisor and note your comments on the performance review. At the conclusion of the meeting, you will be asked to initial the

evaluation forms to indicate that you have seen and discussed it. Your supervisor will submit your performance evaluation to the Human Resources Department where a copy will be kept in your file.

New hires will receive a performance evaluation after ninety (90) days of employment. The ninety (90) day performance evaluation is intended to assess your strengths, point out challenges, set goals or terminate your employment.

Promotion of, and adherence to the Corporate Compliance Program and the Kulanu Code of Conduct will be a factor in the evaluation of all employees.

## Section 3.06.03: Security and Safety

All employees must display a Kulanu photo identification card while present on Agency property. For the purposes of this policy, Kulanu “employees” are those who work in the headquarters building at 620 Central Avenue and 124 McGlynn Place, Cedarhurst and Temple Beth-El in Cedaurhurst. The Human Resources Department is responsible for issuing new photo ID cards.

### Visitors:

## VISITOR PROTOCOL

### SCHOOL- 620 Central Avenue

- Receptionist is to be given name and time of all outside people coming into the school **PRIOR** to appointment. This goes for **anyone** who **does not** work **directly** for Kulanu for **any reason**
- Person buzzes in and identifies themselves
- If on list, receptionist will let them in
- If not on list, receptionist calls Kulanu employee to confirm appointment while person waits outside and Receptionist awaits instructions
- Visitor signs in- name, who they are seeing, time in
- Receptionist will have an alphabetical file box
- Receptionist will take the visitors license and put it in the file box alphabetically
- Person gets a visitor pass and is directed to where their appointment is
- Person returns visitor pass when they are ready to leave, signs out and gets their license back

### HOUSE- 124 McGlynn

- Same procedure as school re visitors

### TEMPLE BETH-EL

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### **Section 3.06.04: Employment of Relatives**

Although Kulanu has no prohibition against hiring relatives of existing employees, we are committed to monitoring situations in which relatives work in the same place of employment. In case of actual or potential problems, Kulanu will take prompt action. This can include reassignment, or if necessary, termination of employment for one or both of the individuals involved.

### **Section 3.06.05: Non-Smoking Policy**

Smoking is prohibited on Kulanu premises (including all conference rooms, bathrooms, kitchens, lunchrooms, school yards and parking lots).

## **Section 3.06.06: Phone Usage**

**Incoming personal calls during working hours should be confined to those that are absolutely necessary and should be kept to a minimum. Outgoing calls will be permitted during periods where you are unassigned. At no time may cellular phones be used unless they are being used between staff members for various legitimate work based issues.**

### **Cell Phones**

The use of cell phones for personal calls is prohibited at all times when working with those served. Failure to comply will constitute cause for disciplinary action up to and including termination of employment. All urgent messages can be phoned into the office and will be promptly delivered to an employee. Cell phones may be used between our staff for various legitimate work based issues.

### **Section 3.06.07: Employment References**

Kulanu will not provide written references for former employees, but will merely confirm the dates of employment and the position of the former employee.



### **Section 3.06.08: Emergency Closing Days**

At times, emergencies (such as severe weather, fires, power failures, etc.) can disrupt the program. In extreme cases, such circumstances may require the closing of the school, OPWDD Services and other Kulanu Divisions. An emergency chain of phone calls will be established for each program. Should a program close for the day, phone calls will be initiated by the division and all employees will be notified of the closure.

### Section 3.06.09: Hours of Work

Your individual schedule will be determined by your Division Leader and may be subject to change to meet Kulanu's needs. Your Division Leader must approve any changes.

Generally, work hours are as follows:

**Employees are expected to be ready to begin work 10 minutes before their scheduled starting time.**

*School Programs:*

Monday – Thursday:

7:50 am to 4:00 pm (full time employees)

Friday:

7:50 am to 1:30 pm

*Administrative Office:*

8:00 am to 4:00 pm

Or

9:00 am to 5:00 pm

Based on your individual Letter of Agreement

*After School Programs:*

Monday – Thursday

4:00 pm to 6:15 pm

*Kulanu Adult Services:*

*Individuals in Adult Services have varied work schedules that require flexibility. The Division Director may request that you be flexible with your schedule to cover these needs. Amending your schedule will be done in as much advance notice as possible. For this reason, Employees working in Kulanu Adult Services will work a flexible workweek.*

## **Section 3.06.10: Absences, Punctuality and Call-in**

Lateness or absence interferes with the daily management of the programs and places an extra workload on your fellow employees. Regular attendance and punctuality are essential requirements for continued employment. All employees are expected to report for work at their scheduled starting times each workday unless ill, absent with prior approval or are otherwise unavoidably absent. Please make every effort to schedule personal, business, medical, dental or other appointments so they do not conflict with your work schedule. If this is not possible, you may request time off in advance (2 weeks) from the Division Leader. For non-exempt employees, such leave will be without pay.

Kulanu does not pay non-exempt employees for time lost due to lateness or for unauthorized absences. Excessive absence, or lateness, regardless of reason or justification, or a pattern of poor attendance may result in discipline up to and including termination of employment.

Should you be absent from work for three (3) or more consecutive work days due to illness, you may be required to provide a physician's certificate when you return to work, indicating the nature of your illness and your physician's approval for you to resume your normal work responsibilities.

Should you be absent the day before or the day after a holiday, without prior approval from your Division Leader, you will be double docked for the day.

For absences planned in advance such as vacation, jury duty or other authorized leave of absence, the absence must be approved in advance and the appropriate form must be completed and submitted to the Division Leader that is then submitted to the Human Resources Department.

### **Calling-in**

If you expect to be absent or delayed, except in exceptional circumstances, you must call and speak with your Division Leader or their designee, and explain the reason for lateness or absence, the expected time of arrival or day of return to work, any incomplete or urgent work that needs to be performed in your absence, and a telephone number where you can be reached. Notification should be made as far in advance as possible prior to your regular starting time, but in no event later than one-half hour before your scheduled starting time. If you are unable to obtain a voice to voice contact due to any technical difficulties with the phone system, then you must either email or text and confirm that either were received in order to ensure continued oversight to those served.

Failure to call text or e-mail in the event you are unable to obtain a voice-to-voice contact, will constitute cause for disciplinary action up to and including termination of employment.

# Section 3.07: Adult Services Staff Supervision and Support

## Procedure Philosophy:

To ensure quality of care, all service provision is dependent upon the success of the staff. Kulanu is committed to the quality of its' entire operations at all times. Quality is expected in all areas of the organization including and not limited to:

- \*Administration efficiency and fiscal viability and responsibility
- \*Maximizing resources
- \*Quality services
- \*Proactive support of personnel to ensure quality services are delivered at all times:
- \*Compliance with all regulatory mandates and expectations
- \*Documentation compliance with all regulatory governance
- \*Fiscal management review
- \*Employee satisfaction, training and growth opportunities

Ongoing supervision and support is provided both formally and informally in order to support staff in both their challenges and successes while conducting job responsibilities.

1. Staff will receive a job description to ensure all job responsibilities, expectations and accountability are clear.
2. Staff are provided with an Employee Handbook via direct physical copy and/or electronic version that is provided on the employee page on the Kulanu website.
3. Staff orientation and training incorporates a strong list of topics that include, but are not limited to:
  - \*Agency mission statement, goals, services
  - \*Overview of Developmental Disabilities
  - \*Incident Reporting, Prevention of abuse, neglect and exploitation
  - \*Emergency procedures
  - \*Strategies in Crisis intervention and prevention
  - \*Medication Administration (where indicated)
  - \*Driver Safety and Awareness (where indicated)
  - \*HIPAA procedures
  - \*Documentation expectations
  - \*Person Centered Planning
  - \*Overview of Autism and Best Practices (when indicated)
  - \*HR Related Information (as relevant to position and title)

A checklist (see attached) is then signed by both the staff and management upon completion of series.

A staff-training log for each staff person is kept, and tracked; as well as reviewed semi-

annually at the staff job performance and evaluation.

### **Proactive Supervision:**

In order to ensure that staff are provided the resources and oversight to ensure quality services delivered the following will take place:

Staff initially shadow other seasoned employees prior to working independently with a consumer unless already known

\*Staff will receive training in the OPWDD Core Competencies within 90 days of their hire date

\* Staff are then instructed to work independently after approximately six shifts, dependent upon review from the Director and/or designee. Staff then are provided with weekly supervision, at a minimum, to ensure support while providing services. This supervision then fades to every other week to monthly for sit down one to one support, goals and monitoring with no outstanding events.

\*Staff will receive supervision on a consistent schedule to ensure communication and information dissemination

\*Staff will attend Monthly Staff meetings

\*Staff will be provided feedback on “moments of excellence” when work and participant delivery of services are exemplary

\*Staff will be provided feedback when concerns arise; have an open discussion and clarification of expectations; and be provided with support and solutions in order to enhance their service delivery

\*In the event concerns continue, a disciplinary process will be engaged (with the exception of any egregious acts which will be reviewed and responded to on an individual basis) to provide them with the coaching and tools to improve these concerns and move towards enhancement of service delivery.

\*Staff development will be provided through a variety of opportunities including, but not limited to: Training, Clinical Consultants, Attendance at Program related meetings in the region, State and other locations on topics related to their jobs and expectations, as well as next steps in their career such as Supervision and Management if deemed appropriate.

Informal communications are constant and ongoing via phone calls; emails; communication logs and all other technological supports available.

### **Staff Development and Training:**

All Personnel in Adult Services will:

1. Receive OPWDD Core Competency Training within 90 days of their date of hire
2. Receive ongoing training on Core Competencies through staff meetings and other related trainings when available
3. Attend all OPWDD mandated training including, but not limited to:
  - Overview of intellectual disabilities

- Incident Reporting and Management
  - Choking and Feeding practices
  - OSHA
  - First Aid/CPR
  - Strategies in Crisis Intervention and Prevention
  - AMAP (for those providing services that require AMAP)
4. Corporate Compliance
  5. All staff providing any OPWDD Employment service will be mandated to attend OPWDD Innovations training; 24 hours within their first year of hire; 6 hours annually thereafter
  6. Attend ACCES Case trainings if determined appropriate

### **Personnel Evaluation/Growth:**

Employees will have an initial evaluation within 90 days of hire and then semi-annual performance evaluations that measure both satisfaction and professional growth. Goals for training, career potential and advancement, continued education, and/or further leadership responsibilities will be measured via noting, but not limited to:

- \*Number of staff trainings attended
- \*Number of promotions
- \*Accomplishments
- \*Further training recommended for continued professional growth

### **Section 3.08.01: Overtime and Flexible Time Off**

It is Kulanu's policy to offer exempt employees (salaried) Flexible Time Off. Flexible time off is available to employees who are asked to work during non-shift hours or on non-scheduled workdays. Flexible time off will be offered in half day and full day increments. Employees receive half-day credit after 2 hours of work and full day credit after 4 hours of time. Supervisors or administrators **must** pre-approve all requests for flexible time off.

Non-exempt employees (hourly), when working more than their regular business hours, are compensated at their hourly rate and subject to DOL overtime regulations.

## Section 3.09: Vehicle and Driver Policy

**Classification:** "Multi-Function School Activity Vehicle" (MFSAB).

**Definition:** This vehicle meets all of the FEDERAL MOTOR VEHICLE SAFETY STANDARDS for School Vehicles with the exception that this vehicle is not required to be painted yellow and does not have flashing lights nor a stop arm. A MFSAB can be used in any application except fixed routes where children are being dropped off at their homes and/or picked up at their homes. This vehicle cannot be used to stop traffic. It is Kulanu's intent to ensure, to the best of its ability, the safety of individuals who are transported in multi-function school activity vehicles. Therefore, the following procedures must be followed:

- I. Prior to becoming an approved driver for the MFSAB, individuals must:**
  - ◆ Vehicles must be operated by persons who are state licensed, age 21 or older
  - ◆ Drivers shall continue to maintain a valid license at all times
  - ◆ Authorize and provide their license for DMV check
    - A copy of the driver's license will be given to the Human Resources Manager
    - The Human Resources Manager will send the license to LENS for a DMV check. The results of that check will be placed in the Human Resources office template file
    - A "clean" license is required to drive the MFSAB
  - ◆ Familiarize yourself with the inside of the vehicle and all of its features i.e.
    - Ventilation
    - Signals
    - Wipers
  - ◆ Have had at least a ½ hour of driving time to ensure comfort with the vehicle and ability to:
    - Make right and left turns
    - Pull into a parking space
    - Back into a parking space
    - Enter and exit areas of traffic
  - ◆ Sign the acknowledgement that the individual is familiar with the vehicle and has driven the required amount of time. This acknowledgement will remain in the Human Resources offices and employee file.
  
- II. Prior to using MFSAB Vehicle:**
  - ◆ Vehicle use may be requested through the following process:
    - A calendar will be kept by the MFSAB coordinator and availability may be checked during the hours of 8-4 Monday through Friday
    - Once a date is selected, time of use will be noted in the calendar and the vehicle(s) to be used will be noted



- By 1:00 pm the day prior to the trip (Friday if the trip is on the weekend) the trip folder containing the following items must be picked up by the trip leader:
  - Keys to the vehicle
  - trip log sheet
  - pre-inspection sheet
  - fuel card
- ◆ Drivers of the MFSAB must be approved prior to using the vehicles. Under no circumstance may an unapproved driver take a vehicle on the road.
- ◆ Prior to leaving the Kulanu parking area, the Driver must inspect the vehicle and complete the pre-inspection form
- ◆ Drivers are responsible for filling out the trip log
- ◆ Driver must note any discrepancies on the logs
- ◆ Driver must ensure there is a full tank of gas prior to departure. If there is not a full tank of gas, the driver must fill up before the start of the trip
- ◆ Driver must ensure that the following items are in the vehicle:
  - Fire extinguisher
  - First aid kit
  - Registration/insurance card
  - Emergency contact information
- ◆ Acknowledged that they have read the Driving Safety Protocol

### **III. While boarding /operating the MFSAB Vehicle:**

- ◆ Prior to the start of the trip, the Driver is required to complete the passenger check-in manifest with all necessary information
- ◆ All occupants must be seat belted at all times. At any time, if a seatbelt is removed, the vehicle must pull to the curb and stop until the seatbelt is re-fastened
- ◆ The use of a cell phone by the Driver is strictly prohibited including hands free devices
- ◆ All standard driving regulations will be enforced unless the Driver is directed otherwise by a member of the Police force
- ◆ Vehicles may never be left running with occupants in the vehicle
- ◆ Keys must always be in the Driver's possession. Keys may never be given to a student
- ◆ No one other than the approved driver may drive the vehicle at any time
- ◆ If the approved driver becomes incapacitated, then safely park the vehicle and call 911
- ◆ Drivers shall permit only the number of occupants on the MFSAB vehicle as there are seats available, and shall see that occupants do not stand or sit on the floor while the vehicle is in motion
- ◆ Drivers shall not use indecent language, shall not smoke on the vehicle or permit students to smoke or cause disturbances on the vehicle. The appropriate student discipline on any vehicle rests with the driver

### **IV. Emergency situations:**

- ◆ If a passenger becomes ill while the vehicle is in motion, the Driver is to pull over as soon as it is safe to do so and tend to the passenger.
  - Emergency phone calls, if needed, should be made to
    - Trip supervisor (if they are not on the vehicle)
    - The division leader
    - The executive director
  
- ◆ If there is a “fight” on the vehicle while it is in motion, the Driver is to pull over as soon as it is safe to do so and notify
  - Trip supervisor (if they are not on the vehicle)
  - The division leader

Should an accident occur while using the vehicle, the following procedures should be followed:

- 1- Call 911
  - 2- Immediately notify trip supervisor of the event who in turn calls the executive director
  - 3- As soon as possible, contact insurance company
- ◆ If there is damage to the vehicle while stationary, the MFSAB Coordinator must be notified. The Coordinator will then place the required calls to Kulanu administrators and the insurance company.

**Upon return of the MFSAB Vehicle:**

- ◆ The Driver is responsible to re-fuel the vehicle prior to returning to the parking lot
- ◆ The Driver must inspect the vehicle for any damage, clean out the inside of the vehicle and empty garbage
- ◆ The Driver or the Trip Supervisor must return the keys, fuel card, receipts and completed paperwork to the MFSAB Supervisor no later than 10:00 am the following day of the trip
- ◆ Drivers shall walk the vehicle to ensure that no students are left on the vehicle

**Driving Safety Protocol**

**I. PURPOSE**

Laws and procedures are designed to make driving safer. However, many drivers become more relaxed as they drive. As driving becomes second nature, drivers often pay too little attention to the driving task. Defensive Driving is minimizing the odds of accident occurring. This protocol is designed to assist employees in using Defensive Driver tactics to be safe while driving.

**II. PROCEDURE**

As with many other things in life there is a science part and an art part to this. Things like checking tire pressure or consulting a map in advance definitely go to the science part and can be taught and reproduced easily in no time. On the

other hand, anticipating other drivers' moves cannot be digitized, and depends heavily on your experience. Still, this is a skill that one can acquire. It just takes some time and dedication, and the time is in the order of years rather than weeks or months.

- ◆ Anticipating other drivers' moves: Try to anticipate the worst in others. It may sound cynical and is not a good rule to follow in life but, in defensive driving, it pays to anticipate the mistakes of other drivers on the road. For instance, many drivers routinely signal a turn but don't turn at all. Meanwhile, others don't signal at all and then suddenly turn. Many people disregard stop signals or try to run red traffic lights so keep a watchful eye out for these instances.
- ◆ Clearly communicating your existence and intentions to other drivers: Make signaling a habit: One of the best defensive driving techniques is to signal every time you turn or change lanes. That way, you never catch other drivers by surprise.
- ◆ Make signaling a habit. Even if the road appears to be deserted and there seems to be no other vehicles around, signaling your intent is always an excellent defensive driving practice.
- ◆ Let other drivers know of your intentions early: Sudden stops, turns and lane changes often lead to accidents because they catch other drivers by surprise. Hence, one of the basic rules of defensive driving is to clearly communicate to other drivers exactly what you are about to do. For this reason, it is crucial that your brake lights, head lights, signal indicators and other driving lights are working. If they are not, have them checked right away. Otherwise, defensive driving is not an option.
- ◆ Being predictable helps: Having all your indicators in good working order is great, but they won't help much if you can't be predictable. Defensive driving is synonymous with being predictable – you do what you're expected to do. If you're signaling a left turn, then make a left turn. Don't signal that you're going left then suddenly turn right. And, by no means, keep signaling a left or right turn then go straight ahead for miles and miles. In defensive driving, one never makes a move that confuses other drivers on the road. Surprises are great, but never when you're driving.
- ◆ Warn others as you stop or slow down: When making a full stop or slowing down for whatever reason, it's a good defensive driving technique to let other drivers know of your intention. You can do this by tapping the brake pedal a couple of times so that your brake lights flash

and clue in others behind you that you are slowing down or stopping. This is especially important if the driver behind you is driving fast and approaching quickly.

- ◆ Leave yourself room for error. An experienced driver maintains enough distance on all four sides of his car to allow him to safely react to the changes on the road
- ◆ Courtesy goes a long way in reducing the level of anxiety around you, thus reducing the odds of an accident. On the other hand, attempts to teach fellow drivers a lesson or punish or offend them and in general behavior without regard to others significantly increase psychological tension around you. Other drivers become annoyed, and annoyance leads to impaired judgment, increasing the odds of you getting into an accident.
- ◆ Know where you want to go: The first rule of defensive driving is: know where you want to go. There's nothing quite as dangerous as making a sudden turn or stop, which is something that drivers do when they are not sure about where they are headed. Ditto for driving slowly then suddenly zooming fast. If you're confused about where you want to go, you're probably confusing other people on the road as well. If you're lost, park your car and regain your bearings. Check a map or street directory or maybe even ask someone for directions. The worst thing you can do is drive around aimlessly. That's like looking for trouble with a capital T.

### **III. Leading Causes of Traffic Accidents**

#### *Speeding:*

- Whether they are late for work, in a hurry to get home, or just impatient with the slow flow of traffic, most drivers exceed the speed limit at least some of the time. None of these reasons are a good excuse for speeding, though. By slowing down and obeying the speed limit, you can save lives.

#### *Driving While Intoxicated:*

- Even with a BAC as low as .01 percent (one drink), alcohol impairs judgment and makes drinkers feel less inhibited. Drinkers usually don't even recognize this loss of judgment, though, because the alcohol is simultaneously increasing their self-confidence. Alcohol then gradually affects drinkers' vision, coordination, speech, and hearing. Vision becomes blurry, and side vision narrows. Eye movements usually slow and there is a tendency to stare too long at one place.

Physical responses continue to slow. These effects diminish a driver's ability to work through the IPDE process.

*Avoiding and Identifying Drunk Drivers:*

- The basic way to minimize the likelihood of encountering drunk drivers is to avoid driving when bars are closing. That is when the most drunk-drivers are on the road, especially on weekends. If you see a car drifting around in or out of its lane, moving too slowly or too fast, tailgating, or driving erratically, it's quite possible that the driver is drunk. They are certainly not in control of their vehicle and may even be so drunk that they are falling asleep at the wheel. The best way to deal with them is to get out of their path. At the earliest opportunity, call the police or highway patrol and notify them of the vehicle's description, including license plate number, location, and the driver's behavior.

*Road Rage:*

- Road rage happens when one driver reacts angrily to another driver. Angry drivers may lash out by deliberately braking suddenly, pulling close to another car, or taking more violent steps such as coercing a driver to pull over to "settle" the dispute. Many drivers make a habit of driving with road rage.

Here are some suggestions to help you avoid provoking other drivers:

- Don't cut off other drivers: When you merge, make sure you have enough room and always signal before you merge
- Don't drive slowly in the left (fast) lane: Avoid using the fast lane except for the brief time it takes to pass another driver. Driving slowly in the fast lane frustrates other drivers
- Don't tailgate: Many drivers get angry when they are followed too closely. Remember to keep the appropriate following distance between your car and the car ahead of you
- Don't signal gestures to other drivers: Keep your hands on the steering wheel. Making obscene gestures to other drivers may provoke them.
- Use your horn for emergencies only: Even a polite tap of your horn may be enough to provoke another driver
- Avoid eye contact with an angry driver: To some people, eye contact is the same as a challenge. If someone is determined to act out his or her frustrations, even a friendly smile can be misinterpreted
- Give an angry driver plenty of space: If you make a driving error (even accidentally), it is possible the other driver may try and pick a fight with you. Put as much distance between your vehicle and the other car as you can

**Physical Condition:** Age, sight, hearing, and physical handicaps all can affect your driving performance.

All drivers must evaluate their own situations and allow additional time for their inabilities to enable them to react to traffic situations.

Drivers with short-term or sudden illnesses are usually less attentive and more distracted because of their physical condition. The usual one-second reaction time may be increased to two or three seconds, and if the driver is taking medication as well, the entire driving process is affected. The total effect is greater than the sum of the individual effects. Combining drugs produces a reaction greater than the sum of the individual drugs involved. This is called the synergistic effect.

Fatigue can also have an impact on your driving ability. It can slow your reaction abilities and make you more irritable and uncoordinated. Often, fatigue occurs during long trips. It can result from a heavy meal, eyestrain, lack of sleep, or just boredom. If you find yourself feeling drowsy, inattentive, or if your vision is blurred, you may be suffering from fatigue. If so, you should take a break and continue your trip when you are more alert.

In addition, your reaction time will be reduced. Drivers who are too sleepy to drive properly cause about 200,000 accidents a year around the country. Many traffic fatalities are caused by the driver feeling sleepy.

According to the NHTSA, only four in every one hundred vehicles on the road is a large truck, which traveled only 8% of the total vehicle miles in 2004. In 2004, they accounted for 8% of all vehicles involved in fatal collisions and 12% of traffic fatalities. This high collision rate is caused in large part by fatigue.

The NHTSA recommends you follow these tips to avoid fatigue when taking long trips:

- Plan your trip well with reasonable daily itineraries
- Rotate driving shifts, if more than one driver is available
- Always get a good night's sleep before you embark on a long trip
- Avoid late-night driving--between midnight and 6 am is the riskiest time
- Take a break every two hours to stretch and relax
- Try to get some physical exercise during the day
- Try to maintain a good diet (without excessive caffeine that might contribute to sleep loss at night and fatigue the next day)

Laws and procedures are designed to make driving safer. However, many drivers become more relaxed as they drive. As driving becomes second nature, drivers often pay too little attention to the driving task.

Your education as a driver does not end the day you receive your driver's license. Rather, good drivers continue to learn more and more about safe driving throughout their years behind the wheel. It is easy to become complacent after many years of driving, but a know-it-all can be even more dangerous than an inexperienced driver if he doesn't pay attention to new driving lessons taught every day on the road. By constantly paying attention to these lessons, you can learn how

to avoid collisions and help make the roads safer.

No matter how experienced a driver is, new situations occur all the time, especially when driving in unfamiliar territory. Driving in urban areas can be extremely challenging to drivers from small towns, as different situations present themselves. Similarly, a driver experienced in big city traffic may not know how to handle many of the potential hazards found in rural areas.

Inexperienced drivers lacking sufficient knowledge regarding specific laws suffer in many ways. Some become frustrated, and others may end up making driving mistakes, such as going the wrong way on a one-way street, resulting in embarrassment, fines, injury, and sometimes death.

Drivers who lack sufficient knowledge of driving laws may not react in a manner anticipated by other drivers, thus increasing the chances of getting into a collision. You should know all of the driving laws so that you reduce your chances of colliding with other vehicles on the road.

## **Have You Been a Distracted Driver?**

### **When driving, do you ever?**

→ Tune the radio → Eat, drink, or smoke → Pick something up from the floor or between the seats → Read, write → Reach for the glove compartment → Talk on the cell phone → Clean the inside of the windshield → Argue with another passenger → Comb or brush your hair → Break up fights between your kids → Put on makeup → Put on contact lenses or use eye drops → Shave → File, clip, or polish your nails? **If you answered yes to any of the above, you are driving while distracted and are at risk of an accident.**

Drivers inadvertently sometimes focus their attention away from the roadway, thus putting themselves and their families/passengers in jeopardy.

### **How to Avoid Being Distracted:**

- Stay focused and pay attention!
- Limit interaction with passengers
- Avoid talking while driving
- Avoid taking your eyes off the road
- Keep both hands on the wheel

### **Avoid driver fatigue:**

- Stay focused on the road
- Don't daydream
- Don't drive if you are tired
- Share the driving responsibilities on long trips

### **Don't drive when angry or upset:**

- Emotions can interfere with safe driving. Wait until you have cooled down or resolved problems to drive
- Avoid "gawking," or slowing down to look at a crash or other activity

→ If you need to use your cell phone while driving: → Pull off the road and stop in a safe place before using your phone

The odds of being involved in a crash or near crash were nearly three times as high when drowsy relative to when not drowsy (Odds Ratio = 2.9).

The odds of being involved in a crash or near crash were nearly three times as high when driving significantly faster than surrounding traffic relative to when driving at appropriate speeds (Odds Ratio = 2.9).

The odds of being involved in a crash or near crash were more than twice as high when driving aggressively than when not driving aggressively (Odds Ratio = 2.1).

The odds of being involved in a crash or near crash were nearly twice as high when looking away from the forward roadway for 2 seconds or longer than when attentive to the forward roadway (Odds Ratio = 1.9)

### **Driver Distractions - Don't Be a Statistic - Distractions Are Everywhere**

Driving is a skill that requires your full attention to safely control your vehicle and respond to events happening on the roads around you. Driving involves constant and complex coordination between your mind and body. Events or things that prevent you from operating your car safely are distractions. There are three types of distractions and they are anything that takes your:

- eyes off the road (visual)
- mind off the road (cognitive)
- hands off the steering wheel (manual)

When you think about the actions you make in your vehicle, other than just driving, you can see that they often involve more than one type of distraction. For instance, if you change your radio station, you take a hand off the steering wheel to press a button, and take your eyes off the road to look at what button you want to press.

### **Driving Distractions Study**

Driver distractions are the leading cause of most vehicle crashes and near-crashes. According to a study released by the National Highway Traffic Safety Administration (NHTSA) and the Virginia Tech Transportation Institute (VTTI), 80% of crashes and 65% of near-crashes involve some form of driver distraction. The distraction occurred within three seconds before the vehicle crash!

According to the NHTSA and VTTI study, the principal actions that cause distracted driving and lead to vehicle crashes are:

- cell phone use
- reaching for a moving object inside the vehicle
- looking at an object or event outside of the vehicle
- reading



- applying makeup

Drivers who engage more frequently in distracted driving are more likely to be involved in a vehicle crash or near-crash

### **“Dial D” for Disaster**

Cell phone use has become so popular these days that many times we don't realize when, where, and how often we are utilizing our “cellular telephones.” Cell phone use while driving has increased so significantly within the last few years. At any typical daytime moment, as many as 10% of drivers are using either a hand-held or hands-free phone.

Studies have shown that driving performance is lowered and the level of distraction is higher for drivers who are heavily engaged in cell phone conversations. The use of a hands-free device does not lower distraction levels. The percentage of vehicle crashes and near-crashes attributed to dialing is nearly identical to the number associated with talking or listening.

Make and finish your cell phone calls before you start your vehicle and drive. If your phone rings while you are driving, let your voicemail pick up the call. If you must answer your phone, pull over to a safe location and park before using your cell phone.

### **Are You Eating a Crash Diet?**

If you are eating in your vehicle while driving, you are focusing on your food and not on your driving. You are not only chewing and swallowing; you are also opening packages, unwrapping and rewrapping food, reaching, leaning, spilling, wiping, and cleaning yourself or your vehicle. These are quite a number of distractions for one driver on one trip. You are safer when you stop to eat or drink. Allow yourself plenty of time to stop, rest from driving, and enjoy your meal.

### **Turning Dials Can Turn Your Head**

Making destination entries on an in-vehicle navigation system, radio surfing for a good song, or adjusting your vehicle's climate controls are distracting activities that can put you in danger of a vehicle crash or near-crash. The availability of in-vehicle Internet and e-mail access from cell phones, blackberries, and other portable devices are added distractions that increase your risk of a crash if you engage in these activities while driving.

- Adjust vehicle's controls (climate controls, mirrors, radio, seat, etc.) before you begin to drive
- Check your e-mail, voicemail, and any other portable devices you have before you begin driving
- Take advantage of normal stops to adjust controls

### **Looks Can Kill...**

Looking out your window at what you are passing while you are driving can be a distraction if you are concentrating on getting a good look at:

- an accident
- a vehicle pulled over by law enforcement
- construction work
- a billboard advertisement
- a scenic view
- street names and addresses

Always focus on your driving. It's crucial that you remain alert while on the road to arrive at your destination safely.

### **Other Deadly Distractions**

In this age of multi-tasking, it is common to do more than one task at the same time. You already multi-task when you are driving: your mind and body are working simultaneously to drive your vehicle. You should not add another task on top of what you already need to do to drive safely. These tasks should never be done while you are driving:

- Reading a newspaper, a book, or a map
- Personal grooming, such as hair grooming, shaving, or applying makeup
- Smoking and dealing with lighting up, putting out cigarettes, or falling ashes
- Working in your car: typing on a laptop, making business calls, and writing notes or reports

### **Undistracted Driving**

When you are driving, the condition of the roadway you are on and the behavior of other drivers can change abruptly, leaving you little or no time to react. When you are driving, follow these rules:

- Stay focused
- Pay attention
- Expect the unexpected

These tips can help you continue to drive and arrive at your destination safely:

- Ensure all passengers are buckled-up properly
- Be well-rested and in the appropriate mindset to drive. Driving while you are upset or angry can be just as dangerous as driving when you are tired
- Do not tailgate
- Allow sufficient time to reach your destination
- Ensure your vehicle is properly maintained
- Driver distractions reduce your awareness to your driving environment, your decision-making process and your driving performance. This results in crashes or near-crashes and corrective actions having to be taken by you and/or other drivers on the road

**Drive safe and stay alive. Keep your mind on your driving, your eyes on the road, and your hands on the wheel!**

## Section 3.09.01: Driver's Policy Agreement Form

- Agency Vehicle
- Personal Vehicle

First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Last Name: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Email: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Driver's License ID #: \_\_\_\_\_ State: \_\_\_\_\_ Expiration: \_\_\_\_\_

All employees who may be required to transport clients in their own vehicles over the course of their employment and/or drive an agency vehicle must comply with the agency's fleet safety policy, which includes among other things the following requirements:

1. Employee must provide a current valid driver's license and sign an authorization to allow the agency to conduct a motor vehicle registry review as part of the hiring process and/or during the course of their employment.
2. Individuals already employed by Kulanu who may be required to drive their own vehicle or an agency vehicle during the course of their employment, will be required to provide a copy of their license within 2 weeks of this notification. If they are driving their own car, they will be required to provide their registration, inspection and current certificate of insurance.
3. The agency will conduct an MVR review of the employee's past driving history through a 3rd party. The Human Resources department will, thereafter, notify the employee or supervisor as to whether or not the employee may drive an agency vehicle or their own vehicle on agency business.
4. The employee must submit their renewed driver's license, registration, copy of inspection and certificate of insurance within two weeks of such renewal to the Human Resources department.
5. The employee must notify their direct supervisor and the Human Resources department if their license becomes suspended or revoked for any reason. The employee will immediately stop driving the agency vehicle or transporting clients in their own vehicle in the event that their license has been suspended or revoked.
6. While driving an agency vehicle or transporting a client, the employee must immediately notify their supervisor and the Human Resources department if they are involved in a traffic accident, or receive any parking or moving violation tickets.
7. The employee will only use the agency vehicle for agency business and not for personal use. Additionally, the employee will follow the agency's fleet safety policy prohibiting the operation of a vehicle under the influence of alcohol or other substances.

I hereby certify that the attached are true copies of my driver's license, registration, inspection and insurance. I have read and understand the above driver's policy and agree to comply with these policies and the agency's other policies and procedures that relate to the safe operation an agency vehicle or my own vehicle for agency business.

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Section 3.09.02: Vehicle Accident/Incident Procedures**

Any accident or incident involving any motor vehicle in use for official Kulanu business, regardless of circumstances or amount of damage, must be handled as described below:

### **Driver's Responsibilities**

At the scene:

1. Take whatever steps are necessary to protect yourself from further injury.
2. Assist any injured party, giving only the first aid you are qualified to provide.
3. Immediately call 911 for medical assistance if needed.
4. Immediately notify the proper law enforcement agency such as local police department by calling 911.
5. Cooperate with local law enforcement. Provide factual information.
6. Provide factual information about yourself and the vehicle to the other driver(s), e.g., name, agency, phone number, vehicle identification number (VIN), etc.
7. Obtain needed information from other driver(s): i.e. license, registration and insurance info. Identify witnesses and obtain addresses and phone numbers.
8. Do not discuss your actions with parties other than law enforcement. Do not admit fault to other parties or make any statements about the organization's response to the accident, financial or otherwise.
9. Report the accident/incident to your supervisor as soon as possible utilizing the emergency contact list.

### **Supervisor Responsibility**

1. Supervisor determines whether the vehicle should be towed from the scene if not drivable. Contact the Maintenance and 24-Hour Roadside Assistance Company per information in the vehicle's glove box.
2. Supervisor should report accident/incident to HR department.

**These procedures apply to ALL organization vehicles, privately-owned vehicles or rental vehicles used for agency business.**

### **Section 3.09.01: Ongoing LENS Reports**

The Department of Motor Vehicles LENS program automatically produces notifications of any violations, license suspensions, accidents, or insurance lapses via e-mail to the Human Resources Manager. The Human Resources Manager will advise the Division Leader of these events. If warranted, it is the Human Resources Manager responsibility to change the employee's driving status as shown on the Driver Profile and to send a copy of the revised Driver Profile to the Division Leader. It is the Division Leader's responsibility to ensure that the employee's supervisor knows of this change in driving status and takes appropriate action.

- If "driving individuals receiving services" is a basic job requirement and the employee is suspended from driving, he/she is at risk of job demotion, transfer to a position that doesn't require driving, or termination for inability to perform the duties associated with the job.

## Section 3.10: Business Expenses

Kulanu will reimburse employees for reasonable business expenses incurred on Kulanu's behalf. All business travel and related reimbursable expenses must be approved in advance by the Division Leader.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Kulanu. You are expected to limit expenses to reasonable amounts.

Your business travel plans must also be approved in advance by your supervisor. Abuse of this business expense policy, including falsifying expense reports to reflect costs not incurred by you, can be grounds for disciplinary action up to and including termination of employment.

Expenses that generally will be reimbursed are the following:

**Air and Rail travel.** You are expected to book travel as far in advance as possible in order to take advantage of any special fares or rates. Coach class only is approved for all air and rail travel. You may upgrade air or rail travel at your own cost or through frequent flyer programs.

**Meals.** The cost of meals while traveling should be no more than would be incurred in eating at your own expense.

**Hotels.** Hotel accommodations are expected to be of standard level and moderately priced for the given locale.

**Cars.** Car rental fees are approved for compact and mid-sized cars. Use of personal cars for Kulanu purposes must be approved in advance and is reimbursable at standard rates per mile traveled. In addition, tolls and parking fees will be reimbursed upon submission of receipts.

### **Mileage Reimbursement.**

Mileage reimbursement by Kulanu is based on actual miles driven for business purposes multiplied by the prevailing per mile cost determined by the Internal Revenue Service (IRS). Mileage is recorded when leaving either Kulanu building and then again when arriving back. Travel that is normal and part of your everyday commute to work is NOT reimbursable.

**Expense Reports and Approval.** When travel is completed, you should submit completed travel expense reports within 10 days. Receipts for all individual expenses should accompany reports. Expenses not supported by receipts may not be reimbursed.

## **Section 3.11: Conflicts of Interest**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for that employee or for a relative as a result of Kulanu business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship would give the appearance of a conflict of interest.

No “presumption of guilt” is created by the mere existence of a relationship with outside organizations. However, if you have any influence on transactions involving purchases or contracts, you must immediately notify the Corporate Compliance Officer.

Please refer to the Kulanu Corporate Compliance Policy for additional guidelines and information.

# **Part Four: Incident Review Policies and Procedures**



## Section 4.01: Incident Review Policy and Procedures

The intent of the Incident Review Process is to enhance the quality of care provided to individuals with intellectual and developmental disabilities under the care of Kulanu, to protect them from harm and to ensure that such individuals are free from mental and physical abuse or neglect. The primary function of incident reporting is to enable Kulanu administrators and supervisors to become aware of problems, to take corrective measures, and to minimize the potential for recurrence of the same or similar events or situations. The Incident Review Committee monitors the effectiveness of the recording, investigation, review and corrective actions taken. The committee is responsible for oversight of recommended outcomes and the identification of trends, which ultimately allow for the development and implementation of preventive strategies.

### Classifications of Incidents

There are three types of incidents. All of them must be reported, reviewed and investigated according to the procedures set forth in this document.

- A. **Allegations of abuse and neglect** are incidents in which the maltreatment or mishandling of an individual would endanger the physical or emotional well-being of the individual through the action, or inaction on the part of anyone, including an employee, intern, volunteer, consultant, contractor, visitor or other, whether or not the individual is or appears to be injured or harmed. The failure to exercise one's duty on behalf of an individual also constitutes abuse. When an individual with challenges is alleged to have abused another individual with disabilities, it is necessary to take into consideration the aggressor's cognitive abilities to make a judgment as to whether the act is to be reviewed as an abuse allegation or as a behavioral challenge.
- B. **Minor incidents** are events or situations that may endanger an individual's well-being which are required by Kulanu to be reported but do not rise to the level of a "serious incident".
- C. **Serious incidents** are incidents, which because of the severity or sensitivity of the situation, must be reported immediately to the Executive Director.

## Section 4.01.01: Allegations of Abuse

### Definitions

**Physical Abuse:** Physical contact which may include, but is not limited to such obvious physical actions as hitting, slapping, pinching, kicking, hurling, strangling, shoving, unauthorized or unnecessary use of physical interventions, or otherwise mishandling an individual receiving supports. Physical contact which is not necessary for the safety of an individual and causes discomfort to the individual may also be considered to be physical abuse, as may the handling of an individual with more force than is reasonably necessary.

**Sexual Abuse:** Any sexual contact between an individual receiving supports and employees, interns, consultants, contractors or volunteers is considered to be sexual abuse and is **prohibited**.

Sexual contact is defined as the touching or fondling of the sexual or other body parts of an individual for the purpose of gratifying the sexual desire of either party, whether directly or through clothing. Sexual contact also includes causing an individual to touch anyone else for the purpose of arousing or gratifying personal sexual desires. Forcing an individual to watch or listen to or read material of a sexual nature is also considered abuse.

**Psychological Abuse:** The use of verbal or nonverbal expression in the presence of one or more individuals receiving supports that subjects the individual(s) to ridicule, humiliation, scorn, contempt, or dehumanization, or is otherwise denigrating or socially stigmatizing. In addition to the language and/or gestures, the tone and volume of voice, such as that used in excessive loudness, screaming or shouting at or in the presence of individuals, may, in certain circumstances, constitute psychological abuse.

**Seclusion:** The placement of an individual receiving supports alone in a locked room or area from which he or she cannot leave at will. Seclusion is considered to be a form of abuse and is, therefore, prohibited.

**Use of Aversive Conditioning:** Aversive conditioning is the use of an unpleasant or uncomfortable procedure when trying to change behaviors of an individual receiving supports. Such procedures are considered abuse and may *never* be used at Kulanu.

**Use of Time-Out:** The placement of an individual receiving supports alone in a room or area from which his or her normal egress is prevented by someone's direct and continuous physical action is considered time-out and is prohibited in all Kulanu programs. Quiet time should not be confused with time-out. Quiet time is a procedure in which an individual is accompanied by a staff member, away from an activity for a brief period of time to help the individual regain his/her composure. In removing the individual from the ongoing activity, the objective is to offer a changed environment in which the individual may calm down.

**Mistreatment:** Mistreatment is a deliberate decision to do anything to an individual receiving supports which goes against that individual's Individualized Educational Program (IEP), Individualized Service Plan (ISP), or Life Plan, or which is against his or her human rights or is not generally considered acceptable treatment practice. An example of mistreatment would be withholding food to modify behavior or as a consequence of behaviors.

## Section 4.01.02: Serious and Minor Incidents

### Serious Incidents

**Injury** to an individual when the injury was caused by an act of that person or another, (e.g., aggressive or self-injurious behavior) which includes the overnight admission to a hospital or emergency room for treatment or observation. Also injuries which require medical or dental treatment by a physician, dentist, physician's assistant or nurse practitioner and which are **more than** First Aid, e.g., stitches.

**Missing Person:** The unexpected or unauthorized absence of an individual receiving supports. It is mandated that formal search procedures be initiated immediately upon discovery of the absence of an individual whose absence constitutes a recognized danger to the possible well-being of that individual or others. Consideration should be given to the individual's habits, deficits, capabilities, health problems, etc.

**Restraint:** The act of limiting or controlling an individual's behavior through the use of any device which prevents the free movement of both arms or both legs, as ordered by a physician; any device which totally immobilizes and individual, as ordered by a physician; any device which is ordered for the express purpose of controlling behavior in an emergency; or any medication ordered by a physician which renders an individual unable to satisfactorily participate in programming, leisure or other activities.

**Medication Error Resulting in Hospitalization or Adverse Effect:** A medication error, which results in an overnight admission to a hospital or emergency room for treatment or observation or an adverse effect such as a seizure due to failure to administer medication or a rash due to an overdose.

**Medication Error:** The administration of a medication to an incorrect individual or in an incorrect dosage or at an incorrect time or by an incorrect route.

**Possible Criminal Act:** Actions of an individual that are or appear to be a crime under New York State or Federal Law.

**Evacuation:** A situation, which necessitates the immediate evacuation of a program site due to fire, smoke, flood or other condition.

### Accident in a Kulanu Vehicle Involving Individuals Receiving Supports

**Accident in a Non-Kulanu Vehicle Involving Individuals Receiving Supports, e.g. contracted bus company.**

### Minor Incidents

**Injury** to an individual which was caused by an act of that person or another, (e.g., aggressive or self-injurious behavior), which requires First Aid.

**Inappropriate Sexual Behavior:** Inappropriate sexual behavior of a non-aggressive nature, e.g., masturbating or undressing in public.

## Section 4.01.03: Incident Reporting Procedures

### **Responsibility for Writing an Incident Report:**

The staff person who first observed or discovered the event or situation in Kulanu or in the community should write the Incident Report immediately following the incident. The staff member who writes the report should complete it up to the signature line, and then submit it to his/her immediate supervisor who will ensure that the proper notifications, investigations and follow-up will be done. Once an Incident Report is completed, it will be reviewed through the departmental hierarchy up to the department head or associate/assistant. He/she will review the Incident Report and will complete the comments and recommendations section. Copies of each Incident Report should be given to the Corporate Compliance Officer and to the Quality Assurance Specialist.

### **If an Individual Receiving Supports Reports an Incident Which Occurred in Another Kulanu Department or outside of Kulanu:**

The staff member to whom an incident was reported will notify his/her supervisor. The supervisor will notify the appropriate person in the other department immediately and he/she will follow-up with a written memo describing the incident and any information or documents pertinent to the incident, e.g., staff statements. The memo and documents pertinent will be sent to the other department. The department where the incident occurred will complete the incident report and conduct the investigation. If the incident occurred on a bus transporting individuals receiving supports to or from the program, the incident report and investigation are the responsibility of Kulanu. Copies of each Incident Report should be given to the Corporate Compliance Officer and to the Quality Assurance Specialist.

### **Notifications Within Kulanu**

**ALLEGATIONS OF ABUSE AND NEGLECT AND SERIOUS INCIDENTS** *must* be reported *immediately* to the division leader or their immediate supervisor who will *immediately* notify the Corporate Compliance Officer and the Quality Assurance Specialist. The investigation must begin *immediately*. The Corporate Compliance Officer and the Quality Assurance Specialist will advise the executive director within one business day.

If a staff member observes abuse, maltreatment or neglect and reports it to the division leader or their immediate supervisor and no appropriate action is taken, the reporter should then report it to the Corporate Compliance Officer and the Quality Assurance Specialist. If no action is taken then it should be reported to the Executive Director.

#### **Section 4.01.04: Incident Review Committee**

The Executive Director will appoint an agency-wide Incident Review Committee. The membership of the committee will include:

**STANDING MEMBERS:**

- Corporate Compliance Officer
- Quality Assurance Specialist
- Chief Program Officer
- Social Worker
- Board Certified Behavior Analyst
- Day Services Supervisor
- School Psychologist
- Director of Adult Services
- Director of Social Services

The purpose of the committee will be:

- To review all incidents occurring within the agency and to ensure that they have been properly reported, managed, investigated, and documented.
- To determine that *all* necessary and appropriate corrective, preventive and/or disciplinary actions have been taken to protect individuals receiving supports, to safeguard against the recurrence of similar incidents, and to make further recommendations relative to the incident if necessary.

A chairperson shall be appointed for the committee and in this roll, will ensure that minutes are kept for all meetings.

# **Part Five: Information Technology**



# Section 5.01: Electronic Systems Practices

## **Computer and Electronic Communication**

As an employee of Kulanu, you should be aware of what may be expected of you concerning access and disclosure of computer and electronic communications prepared, sent or received using Kulanu's electronic systems, including but not limited to, its computers, computer network, cellular telephones, voicemail, e-mail, inter-net access and fax transmission systems.

**Business only.** Kulanu's computers and electronic communication systems and any information transmitted by, received from or stored therein or thereon are the sole property of Kulanu, provided as business tools to be used for legitimate Kulanu business only. Any passwords are "on loan" to employees and, at all times, remain the properties of Kulanu. No advertisements, chain letters or solicitations may be prepared from or sent over Kulanu's property. Computers, E-mail, voicemail and fax transmission systems may not be used for personal reasons.

**Need to Know.** Information on these systems is limited to those with a need to know. Thus, you should disclose information from these systems only to authorized personnel. You are not permitted to use passwords or retrieve another employee's files or messages other than for legitimate business purposes. You are not permitted to use or disseminate passwords or access codes other than your own. To avoid confidential messages being delivered into the wrong hands, users of e-mail and faxes should be very careful when addressing and sending messages. ***It is easy to address a message to the wrong person (or group of persons). Once sent, a message CANNOT be stopped from being delivered to the addressed recipient.***

**Harassment.** Using Kulanu's computers and electronic communication system to harass others or send anonymous messages is expressly prohibited. For example, prohibited are the display, transmission or downloading of jokes, vulgarities, sexually-explicit images, messages or cartoons, or any communication containing defamatory material, ethnic slurs, racial epithets or harassment on the basis or race, national origin, sex, pregnancy, sexual orientation, age, disability, religion or political belief.

**Right to Monitor.** Kulanu reserves the right to monitor and intercept its computer network and electronic communication systems (a) in order to investigate or otherwise protect against abuse or harassment, or other violations of law or Kulanu's rules, policies or requirements; (b) to ascertain that its systems are being used for appropriate business purposes; (c) to access information when an employee is not otherwise available; or (d) for repair or maintenance purposes. The existence of passwords, delete functions, or any other function does not infringe upon this right.

**Use of software.** Kulanu purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Kulanu does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to software license agreements. Kulanu prohibits the illegal duplication of software and its related documentation.

**Not Private.** You have no personal rights in any materials created, received or sent through the computer and electronic communication systems. These systems are not appropriate mediums for private or confidential information.

**Discipline.** Employees who violate this policy are subject to discipline, up to and including termination of employment.

**Copyright.** Kulanu's computers and electronic communication systems may not be used to unlawfully or improperly copy and/or transmit documents, software, images or other information protected by copyright.

**Preservation.** Telephone records, computer files, e-mail and voicemail messages are preserved by Kulanu for appropriate periods in accordance with its business policies and applicable laws and rules. If Kulanu becomes involved in an investigation, litigation or any other proceeding that may necessitate the review or production of its records, Kulanu reserves the right to review the stored messages.

E-mail messages may be subject to disclosure pursuant to legal proceedings. Consequently, the same level of care and professionalism should be used in preparing e-mail communications as in other writings.

Computer and electronic communication system users are responsible for complying with this policy and all other rules and procedures that Kulanu establishes from time to time for use of its computer and electronic communication systems.

### **Ownership of Developments**

Effective of your first date of employment, any developments, designs, concepts, inventions, techniques and improvements (including without limitation computer software), copyrightable subject matter or proprietary information ("Developments") which you conceive or make solely or jointly with others, either on or off Kulanu's premises (i) while providing services to Kulanu (whether or not during business hours), or (ii) relating to any Kulanu products, services or activity, or (iii) suggested by or resulting from any work performed by you for Kulanu, shall be a "work made for hire" within the scope and in the course of your employment and the property of Kulanu. You will immediately disclose all developments to Kulanu and assign all rights, title and interests to the developments to

**Kulanu and will upon Kulanu's request, execute any and all documents necessary to convey all rights, titles and interests in the developments in any and all countries to Kulanu.**

## **Section 5.01.01: Policy on Remote Access**

### **Provisions of the policy**

- 1) Remote access to agency electronic systems shall be granted on a per-user basis, that is, based on employee work-related functions within the agency.
- 2) Remote users may utilize only those capabilities or services of the agency's electronic information systems necessary for performing their essential work functions.
- 3) Authorization for workforce members to use any device to remotely connect to and use agency data systems must be granted by the Executive Director.

## **Section 5.01.02: Internet Safety and E-Mail Policies and Procedures**

### **Internet Safety Policy-**

It is the policy for Kulanu to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act {Pub. L. No. 106-554 and 47 USC 254(h)}.

#### Definition:

Key terms are as defined in the Children's Internet Protection Act. \*

#### Access to Inappropriate Material:

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications which access to is inappropriate.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or lawful purposed.

#### Inappropriate Network Usage:

To the extent practical, steps shall be taken to promote the safety and security of users of the Kulanu Academy online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage include: (a) unauthorized access, including so-called "hacking" and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

#### Education, Supervision and Monitoring:

It shall be the responsibility of all members of Kulanu Academy staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, and the Protecting Children in the 21<sup>st</sup> Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures

shall be the responsibility of Steve Rubin of WorkITsafe or designated representatives.

Designated representatives will provide age-appropriate training for students who use Kulanu Academy's Internet facilities. The training provided will be designed to promote Kulanu Academy's commitment to:

- a. The standards and acceptable use of Internet services as set forth in Kulanu Academy's Internet Safety Policy
- b. Student safety with regards to:
  - i. Safety on the Internet
  - ii. Appropriate behavior while online, on social networking Web sites, and in chat rooms; and
  - iii. Cyberbullying awareness and response
- c. Compliance with the E-rate requirements of the Children's Internet Protection Act ("CIPA")

Following receipt of this training, the student will acknowledge that he/she received the training, understood it, and will follow the provisions of Kulanu's acceptable use policies.

Adoption:

This Internet Safety Policy was adopted by the Board of Kulanu Academy at its annual meeting on June 16, 2016.

\*CIPA definition of terms:

**MINOR**- The term "minor" means any individual who has not attained the age of 18

**TECHNOLOGY PROTECTIVE MEASURE**-The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are:

1. **OBSCENE**- as that term defined in section 1460 of title 18, United States Code
2. **CHILD PORNOGRAPHY**- as that term is defined in section 2256 of title 18, United States Code; or
3. Harmful to minors

**HARMFUL TO MINORS**- The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion.
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulate sexual act or sexual contact, actual or simulated normal; or perverted sexual acts, or a lewd exhibition of the genitals and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

**SEXUAL ACT/SEXUAL CONDUCT**- The term “sexual act” and “sexual conduct” have the meanings given such terms in section 2246 of title 18, United States Code.

## Section 5.02: FERPA and HIPPA

### FERPA

- Prevents the disclosure of **personally identifiable information** (PII) in a student's education record without the consent of a parent or eligible student (aged 18 or older) unless an exception to the law's general consent requirement applies.
- Grants parents and eligible students the right to review the student's education records maintained by the school and request correction of records they believe to be inaccurate or misleading.

### HIPAA

- Prohibits covered entities from disclosing **protected health information** (PHI) to any third parties, unless the individual who is the subject of the information (or the individual's personal representative) authorizes it in writing or the rule otherwise permits the disclosure.
- Disclosure is required to be made to the individual/representative.

## Persons or Entities Covered

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### FERPA

- Covers students educational records and PII

### HIPPA

- Covers all other Kulanu programs and protects participants and employees PHI

## Information Covered

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### FERPA

- "Personally identifiable information" (PII) which includes name, address, personal identifiers like Social Security number or date of birth, or other information that could be used alone or in combination to identify a student.
- "Education record" is defined as records that are: (1) directly related to a student and (2) maintained by an educational agency or institution or by a party acting on behalf of the agency or institution.
- A student's health records, including immunization information and other records maintained by a school nurse, are considered part of the student's education record and are protected from disclosure under FERPA.
- A school may disclose "directory information" about a student without consent. Directory information includes information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.
- Schools must tell parents and eligible students about directory information and allow them a reasonable amount of time to request that the school not disclose directory information about them.



## **HIPAA**

- “Protected health information” (PHI), which is individually identifiable health information held or transmitted by a covered entity or its business associate, in any form or media—electronic, paper, or oral.
- PHI includes demographic data; common identifiers (e.g., name, address, birth date, Social Security number); information relating to the individual’s past, present, or future physical or mental health condition, healthcare provided to him or her, or payment for healthcare; and data that identifies the individual or which could be reasonably used to identify the individual.
- Employment records maintained by a covered entity for its own employees are excluded from the definition of PHI.
- Education records covered by FERPA are also specifically excluded from the definition of PHI.

## **Accessing Data with Consent**

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### **FERPA**

- Under FERPA, health agencies can access education records—including student health data maintained by the school or a person acting on its behalf—if the school has received written consent from a parent or eligible student.
- ED notes that such releases are advisable for health agencies wishing to use PII to track absences or immunization rates before an emergency is recognized.
- ED has developed sample consent forms for schools and health agencies to use.

### **HIPAA**

- Under the Privacy Rule, health agencies can obtain PHI from covered entities if the agency receives written consent from the patient or their representative.

## **Accessing Data Without Consent: Exceptions and Generally Permitted Uses**

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### **FERPA**

- FERPA contains a number of exceptions that allow schools to disclose PII from a student’s education record without consent of a parent or an eligible student.
- FERPA exceptions have generally been narrowly construed by ED to err on the side of protecting the student’s privacy and may present challenges for health agencies in accessing student health data.

### **HIPAA**

Under the Privacy Rule, a covered entity is permitted to use and disclose PHI without an individual’s authorization for the following purposes or situations:

- For treatment, payment, and healthcare activities like quality assessment or evaluations.

- Informal opportunities to agree or object such as providing information for hospital directories or notifications to family members.
- Disclosures incident to an otherwise permitted use and disclosure.
- The use or disclosure of limited data sets for the purposes of research, public health, or healthcare operations.
- Public interest and benefit activities. There are a dozen “public purposes” identified in the rule under the public interest and benefit permitted use. These include public health activities and addressing serious threats to health and safety. (See discussion of each below.)

## De-Identified and Limited Data

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### **FERPA**

- Schools can provide health agencies with access to student health and other relevant data if the information does not contain PII.
- ED notes that, in instances like the H1N1 influenza pandemic or other outbreaks, a school may share general information about the number of students absent from the school without prior written consent. However, if absentee data to be shared includes PII and no FERPA exception applies, then the school must obtain written consent before sharing the data with health officials.
- De-identified data must not allow the recipients to identify the students through either single or multiple releases of data or by combining the data with other information.

### **HIPAA**

- The Privacy Rule does not restrict the use or disclosure of de-identified health information.
- The rule also allows the release of limited data sets—in which specific identifiers about the patient or household have been removed—for public health, research, and other purposes.
- Users of limited data sets must complete a data use agreement covering the protection of remaining PHI in the data.
- This exception permits health agencies to access limited health data about children and adolescents that are not covered under FERPA.

## Public Health Activities

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### **FERPA**

- FERPA does not contain a “public health exception” akin to the one found in HIPAA.
- Because education records covered by FERPA are expressly excluded from the Privacy Rule, public health authorities cannot use HIPAA’s public health exception to access school education records covered under FERPA without consent unless a FERPA exception applies.

## **HIPAA**

The Privacy Rule contains a robust exception which allows public health authorities to receive PHI without prior consent of a patient or his or her representative. Covered entities may disclose PHI to:

- Public health officials authorized by law to collect or receive such information for preventing or controlling disease, injury, or disability.
- Public health or other government officials authorized to receive reports of child abuse and neglect.
- Entities subject to FDA regulation regarding FDA-regulated products or activities for purposes such as adverse event reporting, tracking of products, product recalls, and post-marketing surveillance.
- Individuals who may have contracted or been exposed to a communicable disease when notification is authorized by law.

## **Emergencies and Threats to Health or Safety**

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### **FERPA**

- FERPA permits disclosure without written consent in specified emergency situations if the information is necessary to protect the health and safety of the student or other individuals.
- Disclosure of PII in student education records may be made to “appropriate parties,” which include health agencies.
- ED has narrowly construed the emergency exception so that it must be limited to the time period of the emergency; disclosures made for general emergency preparedness activities are not covered under the emergencies exception.
- This exception would not apply where a threat of a possible or eventual emergency exists but the likelihood of its occurrence is unknown.
- Each school or education agency is responsible for making a case-by-case determination that the release of PII is necessary to address an “articulable and significant threat.”
- ED will defer to the judgment of the school or agency in making the determination that there was a “rational basis” regarding the nature of the emergency and the appropriate parties to whom the disclosure was made.

### **HIPAA**

- The Privacy Rule has a specific exception for disclosure of PHI in emergencies in addition to its broad public health exception.
- The rule allows covered entities to disclose PHI that they believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat (including the target of the threat).
- HHS notes that PHI can be released without disclosure to public officials responding to a bioterrorism or other public health threat or emergency.

## Data Not Maintained by School

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### **FERPA**

- If a person or entity is employed by or acts on behalf of the school by providing health services (whether at the school or off-site) under contract or otherwise under the “direct control” of a school and maintains student health records, then these records are considered education records under FERPA as if the school was maintaining the records directly.
- However, if a person or entity provides health services directly to students and is not employed by, under contract to, or otherwise acting on behalf of a school, then the resulting health records are not deemed to be part of the education record covered by FERPA, even if the services are provided at the school site.

### **HIPAA**

- If a school’s education records are not covered under FERPA—as is generally the case for private elementary and secondary schools—they may be subject to HIPAA as a covered entity if they transmit health information electronically.
- In this scenario, the school is a covered entity and student health records are PHI under the Privacy Rule. One of the rule’s permitted uses, such as a public health activity, would have to apply before the records are released without consent.
- If the records are not covered under FERPA or HIPAA, state or local privacy laws may still apply.

## Affect on State Law

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### **FERPA**

- Any state law or regulation that conflicts with FERPA and its regulations are preempted by the federal law.
- If a school determines that it cannot comply with FERPA because of a conflict with state or local laws, it must notify ED and the agency will review the conflicting law and any interpretations of it made by the state and provide guidance to the requesting entity regarding FERPA’s applicability to the situation.

### **HIPAA**

- In general, a state law or regulation that conflicts with HIPAA and the Privacy Rule is preempted by the federal law.
- The Privacy Rule contains exceptions that allow differing state requirements to control if the state law: (1) relates to privacy of individually identifiable health information and provides greater protections or rights than the Privacy Rule; (2) requires the reporting of disease, injury, child abuse, birth, or death, and for public health surveillance, investigation, or intervention; or (3) requires certain reporting by health plans, such as for management or financial audits or evaluations.
- States can also request a determination that a conflicting state law will not be preempted by HIPAA if the state can demonstrate one of the conditions listed in the rule, including, but not limited to, that the conflicting provision serves a compelling public health, safety,

or welfare interest, and, if the conflicting provision relates to a privacy right, that the intrusion into privacy is warranted given the public interest being served.

## **Enforcement**

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### **FERPA**

- FERPA does not include a private cause of action; individual parents or students may not bring a lawsuit to enforce the act's provisions or to seek redress for violations of the act.
- Persons who believe their rights under FERPA have been violated may file a complaint with the ED's Family Policy Compliance Office (FPCO), which investigates the complaint.
- FPCO is authorized to, among other things, revoke funding for institutions found in violation of FERPA and its regulations.

### **HIPAA**

- The Privacy Rule does not authorize individuals to sue for violations; individuals must direct their complaints to HHS's Office for Civil Rights (OCR), which then investigates the complaint.
- In cases of noncompliance, the Secretary is directed to resolve the matter by informal means.
- If the matter cannot be resolved informally, the Secretary may issue written findings of noncompliance that may be used as a basis for initiating a civil action or a criminal case.
- Violators that knowingly and improperly disclose identifiable health information are subject to civil monetary and criminal penalties.

## **Section 5.03: Portable Electronic Devices and EPHI Security**

### **Definitions**

#### **Portable computing device:**

Any easily portable device that is capable of receiving data from or transmitting data to KULANU's network and/or workstations by any method. These include cell phones, laptops and tablets.

#### **EPHI:**

Electronic protected health information, as defined under HIPAA

### **POLICY**

All devices containing EPHI should be password protected.

User names and passwords protecting KULANU-owned devices shall not be shared or disclosed for any reason, excepting only to IT personnel during the course of their duties.

### **Sanctions**

Violation of this or any KULANU security policy governing electronic protected health information shall be cause for disciplinary action to be initiated, up to and including termination. Violations of law may be referred for criminal or civil prosecution.

Designated administrators shall be responsible for the implementation of, and compliance with, all relevant policies and procedures in the facilities under their supervision.

**Kulanu Staff Member** \_\_\_\_\_

I have read KULANU's policy on portable electronic devices and electronic protected health information and will abide by its provisions.

Signature: \_\_\_\_\_ Job title: \_\_\_\_\_

Full Name (Print): \_\_\_\_\_ Dept: \_\_\_\_\_

Device Received: \_\_\_\_\_ Date: \_\_\_\_\_

***Supervisor or Department/Facility Director***

I authorize the above-named Kulanu employee to connect to or use KULANU information systems that may contain electronic protected health information by means of a portable electronic device.

Signature: \_\_\_\_\_ Job title: \_\_\_\_\_

**Part Six:  
Business and  
Legal Functions**



## **Section 6.01: Independent Service Provider's Agreement, Insurance, and Billing**

Kulanu policy mandates that all independent service providers sign a Kulanu Independent Contractor/Therapist Agreement before delivering any services. This agreement applies not just to therapists or clinicians, but to *anyone* who provides services to Kulanu on a non-payroll basis. It does *not* apply to substitutes, temporary employees, or agencies that provide therapists.

The agreement has several purposes. These include:

- Protecting Kulanu from IRS sanctions that may be imposed on employers who incorrectly classify workers as independent contractors, rather than as employees.
- Assuring that independent contractors meet Kulanu's requirements for the amount of insurance coverage they carry.
- Making certain that service providers are fingerprinted as required by law or regulation, and that these fingerprints are subjected to appropriate review.

### **The Agreement**

The agreement may require some modifications depending on the types of services provided and the fees charged — and certain provisions may have to be emphasized so that contractors fully recognize their responsibilities.

Before the Agreement can be completed, effective dates must be inserted. At that point, the independent contractor will sign the agreement, which should be forwarded to the Division Leader for signature on behalf of Kulanu. The Finance Department will issue checks only to those service providers who have an agreement on file.

### **Insurance**

Kulanu has strict insurance standards for its service providers when their volume of Agency work is expected to exceed \$1,000. These are the minimum insurance requirements:

- General Liability — \$1,000,000 per incident/\$3,000,000 Aggregate
- Professional Liability — \$1,000,000 per incident/\$3,000,000 Aggregate where applicable.
- Automobile Liability — \$1 million per incident/\$3 million in the aggregate where applicable.
- Worker's Compensation — \$1 million per incident/\$3 million in the aggregate.

Before contractors are permitted to provide any services, they must present current certificates of insurance — reflecting coverage in at least these amounts — to Human Resources.

## **Billing**

In the interest of accountability for the use of independent service providers, several procedures have been established:

- Each service provider must send an invoice for services rendered to Kulanu, submitting it on the contractor's own letterhead.
- A job-appropriate time sheet for the invoicing period must be attached to the invoice. This sheet should include at least date, time, client seen (if applicable), and a brief description of the services rendered. If service was not rendered to a specific client — e.g., in-service training, paperwork, program development —this information should be noted in the "client seen" column.
- A separate time sheet must be used for each week by each consultant.

## **Section 6.02: Legal Instruments, Subpoenas, and Lawsuits**

The legal affairs of Kulanu are the responsibility of the Executive Director. Therefore, all subpoenas, lawsuits, lawyers' letters, or legal instruments of any kind directed at Kulanu must be forwarded to the Executive Director for review and action. Additionally, legal documents requiring a signature are to be signed by the Executive Director or by a Designee.

### **PROCEDURE FOR PROCESSING AND TRACKING SUBPOENAS AND ALL LEGAL MATTERS**

- All subpoenas/legal correspondence received by Kulanu should be routed to the Executive Director.
- Upon verification of subpoena/legal correspondence validity, it will be filed with the Compliance Department.

#### **General follow-up**

- All requests for employee records (including attendance, FMLA, etc.) will be executed by the HR department
- All requests for consumer records (including Individual Service Plans, Behavior Plans etc.) will be executed by the Chief Program Officer (CPO)
- If it is determined that the insurance company needs to be notified, the subpoena/legal correspondence will be forwarded to the insurance agency. The Executive Director will execute the records request (if any) for said subpoena/correspondence

#### **Insurance Matter**

- All litigation subpoenas and/or legal matters requiring insurance broker notification will be executed by the Executive Director or designee
- All informational subpoenas/legal matters with litigation involving Kulanu will be forwarded to the insurance agency

### **Section 6.03: Public Disclosure of Financial Information**

Federal legislation requires, under certain circumstances, that not-for-profit organizations such as Kulanu make copies of their federal tax returns available to the public. To assure an appropriate response to this requirement, please refer any request for Agency financial information— in whatever form the request may be received — to the Director of Financial Management.

## Section 6.04: Reporting Incidents with Loss Potential

The prompt reporting of incidents with loss potential, and of actual or threatened legal action against Kulanu, are important to the financial well being of Kulanu — which depends on its division leaders to keep abreast of these matters.

Division leaders are responsible for reporting and documenting loss-potential incidents — that is, incidents that may lead to insurance claims.

Division leaders or other personnel must not — *under any circumstances* — admit responsibility for an incident or promise any sort of payment.

If circumstances require it, division leaders may acknowledge awareness of the issue and advise that Kulanu's insurance company will be notified, and may directly contact the involved parties.

## **Section 6.05: OPWDD Registered Providers Cross Reference Verification Procedure**

This procedure satisfies requirements that all Transportation Providers & Temporary Staffing Companies are OPWDD authorized and approved providers. This is pursuant to 14NYCRR 633.22(o)(1). It is required that this procedure be executed on a quarterly basis.

- 1) During the last month of each quarter, the Corporate Compliance Officer will provide the existing Kulanu Departmental Transportation and Temporary Staffing Provider List to the respective departments with instructions to verify if there have been any changes to the list.
- 2) During the last month of each quarter, the Corporate Compliance Officer will print an OPWDD Registered Provider List from the New York State OPWDD website.
- 3) After list verification by departments, the Division Leaders lists should be returned to the Corporate Compliance Officer.
- 4) The Kulanu lists will be cross referenced with the OPWDD Registered Provider List.
- 5) Verification that all Kulanu Transportation and Temporary Staffing Providers are registered with OPWDD will be notated by highlighting each Kulanu provider on the OPWDD list. The monthly highlighted printout will be put on file and kept for three years.
- 6) Any Kulanu Transportation and/or Temporary Staffing Provider not appearing on the OPWDD list will be communicated with the appropriate department, and use of said provider will be terminated immediately.

## **Section 6.06: Agency Policy on Missing Property**

### **Personal Property**

Kulanu cannot be responsible for reimbursing employees who lose property, cash, or other valuables at any Kulanu, including its main office. Therefore, employees should keep a close watch on their possessions, and not bring unnecessary items to work.

### **Kulanu Property**

If Kulanu property or cash appear to be stolen or missing, the matter must be reported immediately. Additionally, a memo with particulars about the situation — including the person to whom and the police precinct to which the report was made — should be sent to the Human Resources Manager in case insurance coverage is involved. Prompt action is important in handling these situations, both to help the authorities with their investigation and to assist the main office with possible insurance claims.

## Section 6.07: Physical Assets Inventory

### Overview

Kulanu's Finance Department maintains a current, centralized inventory of all physical assets of significant value that are acquired by the Agency through its own resources or are purchased through one of its contracts. For purposes of this policy, "assets to be inventoried" meet all of these specifications:

- They are non-consumable. Examples include Building, Land, Leasehold Improvements, Building Improvements, Equipment, Computers, Furniture and Fixtures.
- They have a value of over \$1,000.
- They have a useful life based on guideline information from the *Estimated Useful Lives of Depreciable Hospital Assets*.

All Kulanu property meeting these criteria will be recorded to the Kulanu's Fixed Asset Report, which will be maintained as part of the Finance Department's records: The Director of Financial Management will be responsible for the acquisition, maintenance, and inventory of all fixed assets. An inventory will be taken on an annual basis and reported to Finance for reconciliation and reporting.



## **Section 6.08: Preparing Kulanu Contracts and Agreements**

### **Policy Overview**

Kulanu has a process for preparing contracts and agreements that is to be used by all divisions. Kulanu staff negotiating and/or executing a contract with a vendor must conform to this process. Execution of contracts/agreements cannot be signed off on without review and approval by the Director of Financial Management and the Executive Director.

# **Part Seven: Corporate Compliance**

## **Section 7.01: Kulanu Corporate Compliance Policy**

Kulanu is committed to providing the highest quality of care while operating within the highest ethical standards and within the parameters of all applicable federal and state laws, rules and regulations. To ensure this commitment is met, Kulanu has adopted a Corporate Compliance Program. All Board of Directors and employees are required to cooperate fully with the Compliance Plan and to act with integrity, fairness and honesty in the best interest of Kulanu and those we serve.

If you believe the Code of Conduct or Corporate Compliance Plan has been violated, it is your responsibility to report it. Any concern should be made in a timely manner and through the reporting procedures outlined in the How to Report a Compliance Concern on page 2. Reports will be kept confidential and may be reported anonymously. Kulanu has a strict policy of non-retaliation and non-intimidation that protects individuals in their participation of the compliance program. Retaliation of any type against an employee who, in good faith, reports possible unethical or illegal conduct is prohibited and in itself is a violation of the Code of Conduct.

All compliance reports will be investigated promptly and thoroughly. Employees are also required to assist in any investigation and resolution of a compliance concern.

Failure to report a compliance violation, participation in non-compliance behavior, or encouraging, directing, facilitating or permitting non-compliant behavior will result in appropriate disciplinary action, which may include termination.

For more information on Kulanu's Corporate Compliance Plan, please contact:

Gayle V. Fremed – Corporate Compliance Officer

**516-569-3083 ext. 435**

**gaylef@Kulanukids.org**

Kulanu- 124 McGlynn Place, Cedarhurst, New York 11516

Or call Kulanu's **Corporate Compliance Hotline**

**516-596-8851**

## **HOW TO REPORT A COMPLIANCE CONCERN**

Reports of a possible compliance violation can be made in any of the following ways:

You may speak with your immediate supervisor or directly contact the Corporate Compliance

Officer: Gayle V. Fremed

**Phone: 516-569-3083 ext. 435**

E-mail: [gaylef@Kulanukids.org](mailto:gaylef@Kulanukids.org)

**Drop Box:** Fill out a Corporate Compliance Form and place it in the secure drop box provided at either 124 McGlynn Place or 620 Central Avenue. Report Forms are available at each drop box and our employee website.

**Mail:** Gayle V. Fremed, Corporate Compliance Officer

Kulanu

124 McGlynn Place

Cedarhurst, New York 11516

**Reports may also be made anonymously by calling the Kulanu Corporate Compliance Hotline: 516-596-8851**

Please note that when you call the hotline you will not speak to a person. Leave a detailed message about your compliance concern, including the names of all parties involved, dates and times if possible. All reports are kept confidential. Your call can be made anonymously, however, it is preferable that you identify yourself so that way we can contact you for additional information or clarification of your report. The Corporate Compliance Officer checks the hotline for messages regularly and all potential issues will be investigated.

All reports are kept confidential and Kulanu prohibits retaliation against any individual for submitting a good-faith report of a possible compliance violation.

## Section 7.02: Code of Conduct

### SCOPE:

The Code of Conduct is presented to all new employees during orientation. Supplemental information is provided through annual and as-needed in-service programs for all employees and members of the Board of Directors.

### PURPOSE:

Kulanu is committed to conducting its affairs ethically and lawfully. This Code of Conduct establishes policies and procedures that are intended to guide employees, administrators and directors in the performance of their duties and responsibilities and ensure compliance with Kulanu's commitment to ethical and lawful conduct. These policies and procedures apply to all employees and directors of Kulanu. Additional policies and procedures can and will be issued by the Corporate Compliance Officer in conjunction with the Corporate Compliance Committee.

### POLICY:

- 1. Compliance with Laws.** Kulanu will conduct its business and affairs in compliance with all laws, rules, and regulations and in accordance with Kulanu's high ethical standards.
- 2. Work Environment.** Kulanu will maintain a safe and drug-free work place that is free from discrimination and harassment based on race, color, creed, religion, sex, age, disability, national origin, ancestry, citizenship, armed forces service, marital or veteran status, sexual orientation, or any other impermissible factor.
- 3. Competitive Practices.** Kulanu will compete for all business opportunities vigorously, fairly, ethically and legally. Kulanu will comply with all antitrust and other laws regulating competition and trade and will not discuss pricing, cost, production plans, business strategies, or any other proprietary or confidential information with its competitors.
- 4. Recording and Reporting Information.** In recognition of the fact that accurate information is essential to Kulanu's ability to satisfy legal and regulatory obligations, all employees, administrators and directors will record and report all information accurately and honestly. No employee, administrator or director will sign or submit, or permit others to sign or submit on behalf of Kulanu, any document or statement that he or she knows or has reason to believe is false.
- 5. Payments.** Kulanu and its employees, administrators and directors will not make any improper payments to government or non-government officials, employees, customers, persons, or entities, nor will Kulanu or its employees, administrators and directors request or accept any improper payment from suppliers, customers, or anyone seeking to do business with Kulanu.
- 6. Fair Dealing.** Each employee, administrator and director will deal fairly with Kulanu's customers, suppliers, competitors, independent auditors and other employees and will not take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair dealing or practice.
- 7. Confidential Information.** No employee, administrator or director will use, for his or her own personal gain, or disclose to any third party, any confidential or proprietary information that he or she obtained as a result of his or her employment with or relationship to Kulanu.

Confidential or proprietary information includes all non-public information that might be of use to competitors or harmful to Kulanu and its customers if disclosed.

**8. Political Contributions.** Kulanu will make no corporate political contributions to parties or individuals, even where such contributions may be legal, but encourages employees and directors to participate in community affairs and to exercise citizenship responsibilities.

**9. Corporate Opportunities.** Employees and directors owe a duty to Kulanu to advance its legitimate interests when the opportunity to do so arises. Employees, administrators and directors are prohibited from (a) taking for themselves personal opportunities that are discovered through the use of corporate property, information, or position, (b) using corporate property, information, or position for personal gain, or (c) competing with the Kulanu.

**10. Protection and Proper Use of Company Assets.** Theft, carelessness, and waste have a direct impact on Kulanu's profitability. All employees, administrators and directors will take appropriate actions to protect Kulanu's assets and ensure their efficient use for legitimate business purposes.

#### **PROCEDURE:**

1. The administrator in charge of each division is responsible for ensuring that his or her employees understand and comply with this Code of Conduct and for creating a work environment in which compliance is expected and rewarded.

2. Any waiver of the policies or procedures set forth in this Code of Conduct in the case of an executive officer or director may be given only by the Board of Directors of Kulanu.

3. Any violation of these policies and procedures should be reported immediately to the Corporate Compliance Officer. The identity of the person or persons making a report will remain confidential except on a "need to know" basis. Reporting may be anonymous.

4. Executives and administrators in charge of each division, subsidiary or operating unit, and other appropriate employees will be required periodically to confirm in writing that they understand and are complying with these policies and that they are not aware of any violations of these policies or have properly reported all violations.

5. Kulanu will promptly investigate any alleged violation of these policies. Violation of a policy, retaliation against any individual for reporting a violation, or failure to otherwise comply with these policies will not be tolerated and will result in disciplinary action, including termination of employment where appropriate.

6. Questions concerning this Code of Conduct should be directed to the Corporate Compliance Officer.

## **Section 7.03: Employee Training Policy**

### **SCOPE:**

Compliance training will be provided to all employees and the Board of Directors. Initial compliance training will take place for new employees near the date of hire. Annual refresher compliance training, which highlights changes and new developments, will also take place.

### **PURPOSE:**

Kulanu understands that the prerequisite for any effective compliance program is the training of employees on the laws, regulations and policies that apply to their job responsibilities.

### **POLICY:**

Many legal problems originate from employees acting improperly out of ignorance, misunderstanding, or a disrespect of the laws, rules, regulations and policies that govern day-to-day job responsibilities. Many of these issues can be avoided, or mitigated, through compliance training.

### **PROCEDURE:**

Kulanu Employee Training Includes:

- Communicating the Code of Conduct
- Discussion of applicable Medicaid statutory, regulatory and contractual requirements
- Ensuring that employees are aware of their compliance responsibilities
- Encouraging a supportive workplace culture
- Giving employees an active role in creating and maintaining a productive, ethical and respectful workplace
- Delivering accurate, engaging and effective training
- Using actual compliance scenarios and investigations of non-compliance examples as training tools
- Testing will be administered to insure comprehension of training concepts presented
- Providing additional, more informal ongoing compliance training including, but not limited to, posters, newsletters and Intranet communications.
- Certifications to be signed by each individual that they attended training

## **Section 7.04: Exclusion or Sanction Screening**

### **SCOPE:**

This applies to all applicants being considered for employment, as well as all members of the Board of Directors.

### **PURPOSE:**

Described below are the standards and processes used by Kulanu to comply with all state and federal regulations when considering applicants for employment.

### **POLICY:**

Any individual considered for employment with Kulanu will have a mandatory background check investigation performed by the Human Resource Department.

### **PROCEDURE:**

In addition, Kulanu will:

- Verify that a person is not excluded when they are hired
- Verify every 30 days that current employees have not been excluded
- Search the OMIG List of Excluded Individuals and Entities (LEIE)
- Search the OMIG list of restricted or excluded individuals or entities on the OMIG Web site
- Use the Quick Reader (QR) Code to aid in any search



## **Section 7.05: DUTY TO REPORT COMPLIANCE ISSUES**

### **SCOPE:**

This policy applies to all Kulanu employees, as well as the Board of Directors.

### **PURPOSE:**

To outline and provide the responsibilities of Kulanu employees and Board members to operate within the parameters of all applicable State and Federal laws, rules and regulations.

### **POLICY:**

Adherence to the Corporate Compliance Program is vital. Violations of the law will not be tolerated. Violators will be subject to corrective action in accordance with any applicable procedures of Kulanu.

### **PROCEDURE:**

Employees and Board Members of Kulanu are expected to report any suspected violations of the Corporate Compliance Program to their supervisor or the Corporate Compliance Officer. Kulanu has established a Confidential Disclosure Program which enables anyone to disclose any practices or procedures that they believe may be inappropriate. Kulanu requires an internal review of any disclosure and ensures that follow-up will be conducted.

No adverse action or retribution of any kind will be taken by Kulanu solely because of a report in good faith of a suspected violation of the Corporate Compliance Program.

Upon receiving a report of a suspected violation, any manager/supervisor shall contact the Corporate Compliance Officer.

## **Section 7.06: Internal Reporting Mechanisms**

### **SCOPE:**

Kulanu has made strategic decisions about how employees will do their jobs, how these jobs are monitored and how performance is measured.

### **PURPOSE:**

Internal reporting mechanisms enables Kulanu to have control to monitor the progress and activities of the organization and take corrective actions when deemed necessary.

### **POLICY:**

Kulanu has outlined for all employees and Board Members clearly defined reporting lines and performance measured systems. Maintaining Kulanu's internal controls enables the agency to have oversight of management, conduct internal audits, structure the Board of Directors into levels of responsibility and authorize control of policy development.

### **PROCEDURE:**

Regular, periodic evaluations of the Corporate Compliance Program will take place to determine the overall effectiveness of the program. The Corporate Compliance Officer will conduct these evaluations on an annual basis, or more frequently if warranted.

## **Section 7.07: Billing and Reimbursement**

### **SCOPE:**

Kulanu is committed to ensuring that its billing practices comply with all contractual arrangements it may have with all federal and state laws, rules, regulations and guidelines including, but not limited to, Medicaid.

### **PURPOSE:**

Kulanu has developed and will maintain policies and procedures that ensure accurate billing and submissions of claims for services only when appropriate and when said services are actually provided.

### **POLICY:**

As billing procedures are governed by complex laws, codes, rules and regulations, and as improper billing practices could result in significant liability, the Corporate Compliance Policy regarding billing procedures and reimbursement sets forth specific billing procedures with which all billing, reimbursement and claims processing personnel must comply with as a condition of employment. Every Finance Department employee of Kulanu is required to understand and comply fully with the rules established by this policy. Kulanu and individual employees can be held criminally and civilly liable for submitting a false claim and/or engaging in any activity that causes a false claim to be submitted. Any Finance Department employee violating any provision from this Policy will be subjected to disciplinary action, up to and including discharge from employment.

### **PROCEDURE:**

The following procedures will be in place to insure all policies and procedures are strictly adhered to:

- A Quality Assurance program will be maintained to ensure that all billing policies and procedures are maintained on an ongoing basis
- The QA manager will perform internal QA reviews. This employee will have proven knowledge of the codes, rules and regulations as they apply to Medicaid, and will stay current on all changes
- In addition to QA reviews of regular employees, new employees will be reviewed for a specified period of time to be determined by training guidelines
- Any problem revealed through the QA process will be brought to the attention of the Corporate Compliance Officer. Immediate resolution of the problem will be addressed through employee counseling, training or other corrective action.
- All billing manuals will be up at date and archived properly.
- All government policies and procedures will be reviewed regularly in order to verify that all billing policies reflect any changes
- All Finance personnel will attend training sessions

- At the end of training sessions, Finance Personnel will be required to certify, in writing, that they have received and understand the training regarding billing policies and procedures

## **Section 7.08: Voluntary Disclosures to Third Party Payers**

### **SCOPE:**

Voluntary disclosures apply to all Kulanu personnel and members of the Board of Directors.

### **PURPOSE:**

Office of the Medicaid Inspector General (OMIG) developed a self-disclosure guide to give providers an easy-to-use method for disclosing overpayments. OMIG designed this approach to encourage investigations and reports of possible fraud, waste, abuse or inappropriate payment of funds identified through self-review, compliance programs and internal controls. The guide is designed to help providers through the process, point out advantages of self-disclosure, offer a user-friendly mechanism and make providers aware of regulatory compliance requirements.

### **POLICY:**

OMIG's Protocol states that when a provider uncovers an overpayment within its organization, it should fully investigate and confirm that an overpayment exists and then contact OMIG. Mechanisms will be in place to ensure that if any over payment is made, Kulanu will be able to identify, explain and repay overpayments within 60 calendar days of identification of the overpayment. Disclosures will be reported directly to OMIG or through its contracted agent HSM who maintains the online OMIG PORTal. It is understood that the PORTal is an online mechanism used by OMIG/HMS to issue various projects and process recoveries in a user-friendly electronic medium.

### **PROCESS:**

Prior to contacting OMIG, Kulanu will fully investigate and determine the issue and prepare the disclosure including all required information and documentation. Once an inappropriate payment is discovered, Kulanu will determine whether the payment warrants a self-disclosure or whether it would be better handled through administrative billing processes. Kulanu will choose to disclose either using the Self-Disclosure Submission Guidelines or using the OMIG PORTal for electronic submission. Each incident will be considered on an individual basis.

Factors to be considered will include, but not limited to, the amount involved, any patterns or trends the problem identifies within the Kulanu billing process, the circumstances that led to the over payment and Kulanu's CIA with OMIG.

## **Section 7.09: Disciplinary/Corrective Actions Procedures**

### **SCOPE:**

All Kulanu divisions, their personnel and member of the Board of Directors.

### **PURPOSE:**

Development and imposition of Corrective Action Plans for compliance-related issues.

### **POLICY:**

The Corporate Compliance Officer may develop and in conjunction with Human Resources, impose a Corrective Action Plan upon noncompliant staff subject to the Kulanu Corporate Compliance Program as a means of facilitating the overall Compliance Program goal of full compliance. The Corrective Action Plan is designed to first assist the noncompliant individual to understand specific issues and reduce the likelihood of future noncompliance. Corrective action shall be developed to effectively address each particular instance or issue of noncompliance and will reflect the severity of the noncompliance.

### **PROCESS:**

The basis for corrective action may derive from internal compliance reviews, audits and other substantiated sources of noncompliant practices.

Elements of a Corrective Action Plan:

The following constitutes the minimum action that shall be taken in response to noncompliance with the Compliance Plan. A Corrective Action Plan for a first violation of noncompliance will include these elements:

- A clear statement of the specific problem(s) to be corrected
- A summary of the method used that discovered the problem
- A summary that includes a root cause analysis of the noncompliance that will determine the extent and content of the Corrective Action Plan. The root cause may be found to include system or human error, negligence or disregard of Kulanu policies and procedures and applicable laws and regulations
- Remediation that will include, at a minimum, additional education/training by the Corporate Compliance Officer
- Within 90 days after the remedial education is completed, a follow-up audit of the corrective action implementation will take place to determine if the Corrective Action Plan is being followed and is effective
- A statement that the failure of an individual who is subject to a Corrective Action Plan to adhere to the plan shall be grounds for further corrective action
- A statement that if the root cause analysis shows that the source of the problem was disregard of Kulanu's policies and procedures, the Compliance Corrective Plan shall yield to all appropriate provisions and consequences applicable through Corporate Compliance

- Documentation regarding Corrective Action Plans shall be filed and maintained by the Corporate Compliance Office for a minimum of five (5) years after implementation of the Plan.

## **Section 7.10: Responding to Governmental Investigations**

### **SCOPE:**

All Kulanu divisions and their personnel.

### **PURPOSE:**

To establish procedures for Kulanu employees, administrators and members of the Board of Directors regarding government inquiries, investigations and audits from government officials, representatives, investigators or other individuals acting on behalf of the government, so as to assure that they act appropriately in cooperation with any investigation or audit.

### **POLICY:**

Kulanu will fully cooperate with any lawful government investigation or audit. Kulanu expects all employees to extend the same cooperation within the guidelines of this policy.

This policy includes:

- Telephone calls, emails or letters from government officials, representatives, investigators or any other individual acting on behalf of the government
- Presentation of demand letters, subpoenas or search warrants
- On-site visits to or inspections of Kulanu facilities by government official representatives, investigators or other individuals acting on behalf of the government.
- Visits to the homes or other locations of current employees' facilities by government official representatives, investigators or other individuals acting on behalf of the government.

### **PROCEDURE:**

- If a Kulanu employee is contacted at the workplace by an official, representative, investigator or other individual acting on behalf of the government the employee should (1) contact the Corporate Compliance Officer and (2) ask to see credentials or proper identification before speaking further with the person
- Upon receipt of notice of or information regarding a government investigation, the Corporate Compliance Officer will immediately contact the Kulanu General Counsel
- An interview of a Kulanu employee may be requested by an official, representative, investigator or other individual acting on behalf of the government. The Kulanu General Counsel should be immediately notified. If an employee agrees to be interviewed, they should be truthful and cooperative.
- If an employee does know with certainty the answers to any questions, they should say so. An employer may stop the interview at any time
- A government official representatives, investigators or other individuals acting on behalf of the government may arrive at Kulanu with written authority seeking documents. Destruction of any documentation is prohibited.
- If a government official representative, investigator or other individuals acting on behalf of the government has a demand letter or subpoena, the employee must request that they



wait until the Corporate Compliance Officer is notified

- If a government official representative, investigator or other individuals acting on behalf of the government is in possession of a search warrant, no employee shall interfere with the search and must provide the documents or items sought in the warrant
- All employees should request an opportunity to consult with Kulanu General Counsel before a search commences. If this request is denied, the employee should (1) request a copy of the warrant and the affidavit providing reasons the issuance of the warrant and (2) should provide the Kulanu General Counsel with a copy of the warrant immediately. If reachable by phone, the employee should have the General Counsel on with the lead investigator
- Staff members should always attempt to confer with Kulanu General Counsel before responding to any inquiries from an investigator in connection with a search warrant at Kulanu
- Employees should keep track of all documents taken by investigators, who the government representatives were and detail circumstances under which precise areas and files were searched and the manner with which the search was conducted

## **Section 7.11 Response to Subpoenas and Search Warrants**

### **SCOPE:**

All Kulanu divisions and their personnel.

### **PURPOSE:**

To insure that all Kulanu personnel react appropriately and properly if presented with a subpoena or search warrant.

### **POLICY:**

It is the policy of Kulanu to be fully informed about any governmental investigation of Kulanu in order to respond and take appropriate action and to ensure that employees be fully informed as to what actions to take in response to governmental requests and investigations.

### **PROCEDURE:**

When a subpoena or search warrant is received, the employee receiving it shall comply with the following procedure:

- Immediately, upon receipt, contact the Corporate Compliance Officer, who will immediately contact the Executive Director. If the Corporate Compliance Officer is unavailable, the Executive Director should be contacted directly
- The Corporate Compliance Office and/or the Executive Director will determine if Kulanu's General Counsel should be contacted
- If General Counsel is not immediately available, the Corporate Compliance Officer shall be placed in charge while the search is being conducted.
- Determine who is in charge of the investigation. Request personal identification, the purpose of the investigation and the name of the U.S. Attorney in charge
- Ascertain if any employee is under arrest and if so, the reason for the arrest
- Examine the subpoena and/or search warrant. Clarify the scope with the agent in charge. If the warrant is sealed, ask the agent in charge for a verbal description of the suspected crime or civil violations that initiated the action
- Clearly object if any agent attempts to search areas or seize items not designated in the warrant
- Request a copy of any supporting documentation
- Employees shall take notes on agent's conversations and list any materials seized
- Employees can videotape the search
- Employees should accompany agents to each area being searched at all times
- Object if the agent tries to review or copy documents protected by the attorney client privilege
- Have information systems personnel assist agents in searching and downloading computer files. Print out a directory of files and review it with the agent in charge to determine that files are within the scope of the search warrant or subpoena

- Obtain permission to copy all records necessary to the operation of Kulanu before the agents take those records away. Retain inventories of all files searched and downloaded. Employees should request that agents copy computer files, rather than confiscate entire computers
- Request an inventory of the seized items.
- All employees shall be cooperative and non-combative with the agents
- Employees should not answer any question posed by government investigators or individuals accompanying them until Kulanu's attorney is available. Employees always has the right to insist that counsel be present and that Kulanu representatives be present. Employees shall tell the truth and should volunteer only that information which they know to be factual and not speculative
- Schedule an exit interview with the agent. Lodge any final or continuing objections to the agency's action at that time and send a written list of objections to the U.S. Attorney.
- If an employee is contacted for questioning, they have the right to refuse to be interviewed by government agents unless served with a formal subpoena.
- If an employee is legally required to be interviewed by government agents, they shall observe the following protocol: (1) They shall notify their supervisor of the event. (2) They will tell the truth and volunteer only that information they know to be factual and not speculative. (3) Insist that the interview take place at work during regular business hours unless the interview is by HHS/OMIG, in which case the interview may be at another location if the employee so chooses. (4) Request appropriate personal identification from the government agent. (5) The employee should insist that a Kulanu representative be present at the interview if the employee so desires.
- Failure to comply with the requirements of this policy may result in disciplinary actions, up to and including termination, as set forth in the Corporate Compliance Policy.

## **Section 7.12: Education and Training**

### **SCOPE:**

All Kulanu administrators, employees and members of the Board of Directors must complete Corporate Compliance Education and Training.

### **PURPOSE:**

To provide guidance for all of Kulanu's administrators, employees and members of the Board of Directors on the mandatory Corporate Compliance education and training program.

### **POLICY:**

Kulanu is committed to providing ongoing education and training on Corporate Compliance policies and procedures, coding and billing standards, Code of Conduct, and federal and state rules, regulations and codes.

### **PROCEDURE:**

The Kulanu Corporate Compliance education and training programs is designed to ensure that all Kulanu administrators, employees and members of Board of Directors are aware of all applicable laws, regulations and standards of business conduct. The program will make employees aware of the consequences from acts of misconduct or violations of rules or laws and how that will affect the employee and Kulanu. The Corporate Compliance Officer will be in charge of designing, planning and conducting these educational sessions. Attendance in said trainings will be tracked and documented by the Corporate Compliance Officer. All new hires will receive a copy of Kulanu's Code of Conduct as well as the Corporate Compliance policies and procedures. New hires will be subject to the same education and training programs within 60 days of their initial hire date.

Employees involved in preparing or submitting Medicaid bills through Kulanu will be required to complete three (3) hours of training per year. It is The Corporate Compliance Officer's responsibility to verify that these sessions were conducted and that mandatory attendance was required.

Any employee unable to attend a mandatory training are required to request individual training sessions to complete these specific requirements. When appropriate, administrative staff will maintain a log indicating the course material used, the length of the course, the name of the attendee and the date of completion. This log will be forwarded to the Corporate Compliance Officer.

## Section 7.13: Auditing and Monitoring

### **SCOPE:**

All Kulanu division and their employees.

### **PURPOSE:**

Kulanu shall take reasonable steps to ensure that the compliance and ethic programs outlined to employees are followed. This includes monitoring and auditing to detect any misconduct or procedural flaws. There are areas that are typically vulnerable to fraud or other misconducts. Kulanu has tailored its auditing and monitoring activities with these vulnerabilities in mind. These include but are not limited to:

- Falsification of documents in support of audits
- Inflation of claim numbers for audits
- Alteration of documentation
- False or improperly adjusted cost reports
- Hiding on-going processing errors
- Failure to process claims properly and them submitting false reports
- Falsification of data

### **POLICY:**

Kulanu will employ both internal auditing and monitoring mechanisms as an important part of an integrated business process. The primary defining characteristics distinguishing auditing and monitoring are independence, objectivity and frequency. Auditing represents evaluation activities completed by individuals independent of the process on a periodic basis and monitoring represents evaluation activities completed by individuals who may be independent of the process on a routine or continuous basis. Auditing should thereby provide for a more objective assessment, at least in appearance.

**Auditing:** Auditing is a formal, systematic and disciplined approach designed to evaluate and improve the effectiveness of processes and related controls. Auditing is governed by professional standards, completed by individuals independent of the process being audited, and normally performed by individuals with one of several acknowledged certifications. Objectivity in governance reporting is the benefit of independence. Typical characteristics of an audit include the following: (1) Formal review governed by professional standards, completed by professionals independent of the operation. (2) A formal, systematic and structured approach which involves planning, sampling, testing, and validation. (3) Formal communication with recommendations and corrective action measures including documented follow-up of corrective actions. Audit accountability is typically reported to the Corporate Compliance Officer, the Audit Committee and involves routine and formal communication to the Board and Management.

**Monitoring:** Monitoring is an on-going process usually directed by management to ensure processes are working as intended. Monitoring is an effective detective control within a process.

It is often less structured than auditing, though audit techniques may be employed. Usually monitoring is completed by operations or compliance personnel and involves on-going checking and measuring. This can include periodic spot checks and daily, weekly or monthly tests. In some cases, monitoring may identify the need for an audit. All results should be communicated to the Corporate Compliance Officer and the Compliance Committee.

**PROCEDURE:**

Examples of “Auditing” include:

- Select a team to perform the audit. Select experienced and highly detail-oriented individuals.
- Segregate different areas of the company to audit. Prioritize the order in which each department will be examined. Start with high-risk areas that are subject to greater regulatory scrutiny
- Obtain copies of departmental procedures for each area you intend to audit. Cross-reference the procedures against regulations to make sure none are in apparent violation.
- Review all reports pertaining to production and volume.
- Determine a timeline. Allow departments to maintain daily routines as much as possible, while still allotting time to complete the review thoroughly.
- Create a checklist of items each auditor should observe when reviewing a file
- Develop a system for reporting your findings and recommendations.

Examples of “Monitoring” include:

- Managing of internal controls, policies and procedures
- Performing effective review of guidelines and processes
- Conducting periodic testing of compliance systems and evaluate their effectiveness
- Pre-activity, during the activity and after-the event assessment
- Self- monitoring by responsible parties
- Continuous monitoring to ensure controls are operating as designed and transactions are processed as prescribed

## **Section 7.14. Federal False Claims Act**

### **SCOPE:**

All Kulanu divisions and employees.

### **PURPOSE:**

Kulanu requires that its administrators, employees and members of the Board of Directors observe the highest standards of business and personal ethics in the conduct of their duties and responsibilities and comply with all applicable laws and regulatory requirements.

### **POLICY:**

Kulanu is committed to prompt, complete and accurate billing of all services provided to individuals. Kulanu, its employees and administrators shall not make or submit any false or misleading entries on any claim forms. Kulanu is committed to detecting and preventing fraud, waste or abuse.

Examples of False Claims include:

- Knowingly making false statements
- Falsifying records
- Submitting claims for services never performed or items never furnished
- Double-billing for items or services
- Using false records or statements to avoid paying the government
- Falsifying time records use to bill Medicaid

### **PROCEDURE:**

The Corporate Compliance Officer will be responsible for investigating and resolving all complaints and allegations concerning violations of this policy. The Compliance Officer will ensure that all personnel receive training related to the contents of the False Claims Act. The Compliance Officer will acknowledge receipt of any reported violation or suspected violation to the sender within five (5) business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted.

## **Section 7.15 Conflict of Interest**

### **SCOPE:**

All Kulanu divisions, employees and member of the Board of Directors

### **PURPOSE:**

Kulanu employees and members of the Board of Directors are personally accountable for their decisions and actions. Both are expected to follow a course of conduct that preserves and enhances Kulanu's reputation for honesty and integrity. All employees need to read and understand the organizations policies, confidentiality issues, the Code of Conduct and apply those policies to their specific area to maintain the effectiveness of ethical principles. If any employee or member of the Board of Directors is not sure how to approach an ethical dilemma, they can request guidance from the Corporate Compliance Officer.

### **POLICY:**

It is the responsibility of each employee and Board member to avoid any situation which involves or may involve a conflict between their personal interest and the interest of Kulanu. Conflicting interests may occur in any situation where competing considerations are presumed to be legitimate. Conflicts of interest can be characterized by individuals occupying dual roles which should not be performed simultaneously.

Areas in which a conflict of interest may arise include:

- Being employed by or acting as a consultant to a competitor or potential competitor while you are employed at Kulanu
- Doing business or competing with companies for which a friend or family member works or has ownership interest
- Hiring or supervising friends, family members or closely related persons
- Serving as a board member for an outside company or organization, unless this role does not affect your ability to perform your job at Kulanu
- Accepting gifts, discounts, favors or services from a customer/potential customer, competitor or supplier, unless equally available to all Kulanu employees
- Taking company products home without a valid business purpose
- Using company equipment or office supplies for more than limited or incidental personal use

### **PROCEDURE:**

Each employee and board member shall make prompt and full disclosure in writing to the Corporate Compliance Officer of any potential situation which may involve a conflict of interest. Relationships that others might misinterpret should be disclosed. Violation of this policy can lead to disciplinary action, up to and including termination.

Upon hiring or appointment to the Board, each Kulanu employee and Board member shall sign a disclosure statement. This disclosure statement shall also list all outside



employment. Each Kulanu employee and Board member is required to update this statement as outside involvement changes, but at least yearly.

The Corporate Compliance Officer will determine conflict of interest. This will be achieved through review of information to determine if a potential or actual conflict of interest exists and should be disclosed. The Compliance Officer will consult with the internal compliance committee and/or management. When necessary, the Compliance Officer will utilize a third party person to investigate. If it is determined that a conflict of interest does exist, the Corporate Compliance Officer and the internal compliance committee and/or management will determine what actions will be taken or if the conflict will be waived.

When a conflict of interest is disclosed, the Corporate Compliance Officer will develop a written mitigation plan. A copy of this plan will be maintained and updated accordingly. All efforts will be made to avoid conflict. In cases where this is not possible, reasonable efforts will be made to mitigate the effects of the conflict. Any individual involved in conflict will be asked to disclose the situation to the relevant parties and recuse themselves from any involvement in decisions pertaining to the conflict. All conflicts reviewed by the Corporate Compliance Officer will be reported to the Compliance committee.

## Section 7.16: Voiding Bills Due to Compliance Audits

This policy concerns an activity that is commonly referred to as bill voiding. It lays out what to do if a possibly-deficient KULANU bill has been submitted to, and paid by, Medicaid or some other government payer.

If, during a compliance audit by the central team or a departmental team, it is discovered that one or more bills for service may possibly have been submitted to a governmental payer in error or with inadequate documentation, these steps must be taken without delay:

The Chief Program Officer overseeing the department involved **and** the Chief Compliance Officer will be immediately notified of the potential problem. Notification should be by E-mail.

The Chief Compliance Officer will work with the department involved — and with legal counsel, as necessary — to gain a complete understanding of the issue, and to determine whether it rises to the level of requiring a voiding of bills, or perhaps a disclosure.

If, in the opinion of the Chief Compliance Officer, voiding or disclosure are *not* required, then routine steps will be taken to mitigate or correct the matter.

Should voiding or disclosure appear to be required, a full report on the potential disclosure will be prepared by the Chief Compliance Officer, assisted by the department involved and by the billing department. This report will spell out:

- The nature of the problem.
- What corrective efforts have been made, and why they have failed.
- The amount of money involved.
- Any other pertinent information.

The completed report will go to the Executive Director for approval to void and/or disclose.

If any bills are to be voided, the Finance department will receive directions to that effect jointly from the Executive Director and Chief Compliance Officer.

The Director of Financial Management will notify the Executive Director and Chief Compliance Officer when the void process is completed.

Timeliness is critical at each step of this process, meaning that every phase is to be completed without delay. It is the Chief Compliance Officer's responsibility to make sure things move as quickly as possible.