Standards of Conduct
For
Ulster County Employees

Michael P. Hein

County Executive

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Ulster County
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Intent

This document "Ulster County Standards of Conduct," applies to all Ulster County (hereinafter, the "County") employees. This document, approved by the Ulster County Executive, is a formal statement of the County's commitment to the standards and rules of ethical conduct.

The County is committed to (1) preventing the occurrence of unethical or unlawful behavior, (2) stopping such behavior as soon as possible after discovery, and (3) taking corrective action against County employees (hereinafter "Employees") who violate these Standards of Conduct, including employees who fail to report a violation.

All employees must (1) comply with these Standards of Conduct, (2) immediately report any alleged violations or wrongdoing, and (3) assist management and compliance personnel in investigating allegations of violations or wrongdoing.

The Standards of Conduct addressed in this document are intended to guide Employees in the course of their day-to-day responsibilities. Other policies, procedures and applicable federal or state laws and/or regulations may exist, either County-wide or department-specific. This document exists in conjunction with those policies and laws. If any conflicts seem to occur, please contact your supervisor or the Compliance Officer for advice.

1. Commitment to the Delivery of High Quality Programs and Services

Ulster County provides quality programs and services

The County:

- Will operate and provide programs and services in compliance with all applicable federal, state, and local regulatory requirements.
- Is committed to providing high quality care and services in a responsible, reliable, ethical and appropriate manner.
- Is committed to the goal of excellence in service delivery to the community.
- Expects that services and decisions rendered by Employees will be made in accordance with customary and recognized standards of care and acceptable business practices.

Ulster County treats service/program recipients with dignity and respect

The County requires that service and program recipients be treated with dignity and respect. Employees must maintain the confidentiality of all recipient related information, as required by law.

Ulster County does not discriminate

The County provides programs and services to individuals in accordance with program eligibility and/or individual needs, and does not unlawfully discriminate on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, marital status, or disability.

2. Integrity of Business Practices

Ulster County will conduct its business in an ethical manner

It is the policy of the County to observe all laws and regulations applicable to its business and to conduct business with the highest degree of integrity. To accomplish this, all Employees must obey the laws and regulations that govern their work and always act in the best interest of program participants, service recipients and the County.

Each Employee must:

- Maintain the highest levels of integrity and honesty when doing business with and providing services for the people of Ulster County.
- Ensure personal and professional conduct does not reflect adversely on the integrity of the County.
- Perform all job duties in a manner they reasonably believe to be in the best interest of the County.
- Document all transactions accurately as specified in their job duties. This will keep supervisors apprised of employee performance and allow departments to report transactions accurately as needed.
- Not allow any competing personal or professional interest to influence decisions or actions taken on behalf of the County.
- Not conduct personal activities during work time.
- Assure that the County's assets are only used for the benefit of the County and the people served. Assets include funds, equipment, inventory, and office supplies, but also concepts, business plans and strategies, information about people served, financial information, computer property rights, and other business information about the County.
- Not use County assets for personal gain or give them to any other persons or entities, except in the ordinary course of business as part of an approved transaction.
- Comply with the County's policies, procedures, accounting rules, and internal controls.

Ulster County will not provide inappropriate entertainment or gifts

County employees may not make unauthorized gifts of County property - of any kind or any value – to any individual or entity.

Improper payments

The County will not make any payments or provide anything of value to anyone to induce the use of services furnished by the County.

An employee:

- May not make or offer to make any payment or provide anything of value to another person with the understanding or intention that such payment or item of value will influence decision-making, or that such payment is to be used for an unlawful or improper purpose.
- Should never make a payment to anyone, other than payment for services rendered or goods received.

Ulster County will market its services in an ethical manner

The County will present itself to the community through its marketing activities in a manner consistent with its mission and capabilities.

The County will not engage in any unethical, abusive, or illegal marketing or advertising practices in connection with the offering or provision of services.

Ulster County will not compensate Employees based upon referrals

The County will not pay incentives to employees based on the number of persons they refer to the County for services. The decision to provide services to individuals referred to the County is a decision that will be made by qualified professionals in keeping with relevant eligibility criteria.

3. Relations with government and suppliers

Ulster County deals with government officials honestly and fairly

Employees:

- Will be honest in all dealings with government officials.
- Will comply with all laws regarding political contributions and gifts to government officials.
- Will not offer to make payments or to provide anything of value to an employee or representative of a government agency with which the County has or is seeking to obtain a contractual or other business or financial relationship, or that regulates any County activities or operations.

- Will not offer, make, accept, or receive payments or anything of value that involves the provision of health care services to beneficiaries of any federal, state or local government care program, including Medicare or Medicaid.

Ulster County negotiates contracts fairly

Employees are expected to deal fairly with providers, contractors, people served, and competitors. Incentives, such as kickbacks and rebates, whether cash, credit, or anything of value, are prohibited. All procurements must comply with the County's Procurement Policy, a copy of which can be obtained by contacting the Purchasing Department.

The County must assure that agreements with vendors clearly and accurately describe the services to be performed or items to be purchased. Performance standards, and the applicable compensation, if any, must be reasonable in amount, not be excessive in terms of industry practice, and must equal the value of the services rendered.

The County will not make or receive payments from anyone in exchange for entering into contracts or extending favorable rates. Employees must not accept gifts, payments, entertainment, or anything else from current or potential suppliers of items or services to the County.

Supplies and equipment will be obtained from suppliers who provide high quality products and services at a reasonable cost.

Solicitation, other than in the normal course of business (e.g., bid solicitations), is expressly prohibited.

Discounts that are part of an established program available to all employees of the County may be accepted.

4. Maintenance of Records

Records: General

The retention, disposal, or destruction of records of or pertaining to the County must always comply with contractual provisions and State law governing municipal records retention. Employees must record and report all information fully, accurately, and honestly. Records include, but are not limited to, records of the people we serve, documentation of services, accounting books or records, financial statements, timesheets or records, expense reports, vouchers, bills, payroll, claims payment records, correspondence, and any other method of communication (e.g. email, fax, etc.). Employees must not omit or conceal any information. If there is any doubt as to the

required retention period for a document, please refer to the New York State Records Retention and Disposition Schedule CO-2.

No employee should ever destroy or alter documents in anticipation of a request for those documents from any government agency or court. If any employee believes such conduct has occurred, or may occur, the Employee should immediately contact: 1. their immediate supervisor; 2. the County's Compliance Officer; or 3. the County Compliance Hotline (340-FLAW).

Requirements of government health programs and other third party payers

The County will comply with document retention requirements of state and/or federal government health care programs and other third party payers with regard to records relating to the provision of health care services to beneficiaries of government programs or the health care reimbursement plans of such third party payers.

All records concerning service recipients of the County will be maintained as confidential and will be disclosed to third parties or other entities only as required or permitted by state or federal law.

Protection of Confidential Information

The County has developed policies and procedures to assure that the confidentiality of County information, and information about the people we serve, is protected and released only with appropriate authorization and/or for lawful reasons. All employees are required to comply with the County's Privacy Policy.

All Employees are required to:

- Treat all County records and information as confidential.
- Not release confidential information without proper authorization. Confidential information includes not only information about service recipients and their families, but also non-public information about the County that may be of use to the County's competitors or harmful to the County or its customers if released. Confidential information may include, but is not limited to the following: samples, substances and other materials, conversations, correspondence, records, notes, reports, plans, drawings, specifications and other documents in draft or final form, including any documentation or data relating to the results of any investigation, testing, sampling in laboratory or other analysis, and all conclusions, interpretations, recommendations, and/or comments relating thereto.

- Protect County information and avoid discussing or disclosing County information purposefully or inadvertently (through casual conversation) to any unauthorized person inside or outside the County.
- Not remove County information from County property without permission from a supervisor or administrator with proper authority over the information.
- Upon termination of employment with the County, return copies of documents, notes, and other records containing confidential information; computer disks; County ID; and keys. See SOP: Return of County Property.
- Properly protect information stored and produced by the County's computer systems.
- Use computers, Internet access, email, or other office communications systems for business-related purposes only and not for uses that may be personal, disruptive, offensive, harassing, or harmful to others.
- Not share system user name(s) or password(s) with another person, or allow another to access the computer with his/her password.

All employees are required to comply with the County's Personal Health Information Pledge of Confidentiality. Any questions concerning information security should be directed to an Employee's immediate supervisor or the County's Compliance Officer.

5. Compliance with Regulatory Requirements Related to the Provision of Health Care Services

Familiarity and compliance with regulatory requirements

Employees of certain departments (Social Services, Mental Health, Golden Hill, Health, etc) are subject to specific federal and state regulatory requirements relating to the provision of health care services. Employees are expected to be familiar with the penalties for failure to comply with such requirements.

The County will distribute written information and/or provide in-house training sessions regarding federal and state regulatory compliance issues relating to the provision of health care services and to reimbursement by government health care programs for such services. Issues will include those that are identified as a result of internal audit and monitoring activities, or identified as potential areas of concern by the Center for Medicaid and Medicare Services ("CMS"), the Office of the Inspector General of the Department of Health and Human Services ("OIG"), the Office of Medicaid Inspector General ("OMIG"), or other federal or state government agencies.

The County Compliance Officer will maintain a repository of state and federal requirements. Any question regarding federal and state regulatory requirements, written communications, or in-house training, should be directed to the employee's supervisor or the County Compliance Officer.

Licenses, certifications, approvals, and accreditation

The County maintains all licenses, certifications, approvals, and accreditation necessary for the operation of County facilities and programs. In addition, the County complies with all applicable requirements for participation in government health care programs, including Medicare and Medicaid and numerous private health insurance plans to which claims or requests for payment for health care services are submitted on behalf of the County.

6. Billing Compliance

General Billing Requirements

Bills must be accurate and complete

Employees have an obligation to ensure that all bills submitted are accurate and complete. All invoices, bills, claims, records and reports submitted should be clear and accurate and provide sufficient information and documentation to substantiate the invoice total.

Guidelines Specific to Medical Billing

The County only bills for reasonable, necessary, and/or appropriate health care items and services rendered or provided. Invoices must substantiate:

- The particular health care services rendered, including:
    - The medical necessity of such services, and
    - The cost for such services.
- Each patient's medical record should completely and accurately document:
    - The specific health care services rendered to the patient, and
    - The identity of the health care professional(s) providing such services.

The County must comply with specific billing requirements for government programs and third party payers. Employees must be familiar with the billing requirements under government programs and private insurance plans for all health care items and services provided by the County. Any questions regarding billing requirements should be directed to the Employee's immediate supervisor.

7. Accounting

No Standard of Conduct can review the extensive accounting requirements that the County must fulfill. However, in general:

- It is the obligation of the County to ensure that assets and liabilities are accounted for in compliance with all tax and financial requirements, generally accepted accounting principles, and the established accounting and financial policies of the County. To help insure that this occurs, the County endorses the recommendations of the Government Accounting Standards Board (GASB).
- The financial reporting system for the County must contain accurate entries that reflect all items of income and expense, all assets and liabilities, and all financial transactions.
- To meet this obligation, the County relies on employee truthfulness and integrity in accounting practices.
- Employees should never engage in any arrangement that will or may result in false, artificial, or misleading entries in any accounting records.

8. Employment Environment

Compliance with employment laws

All Personnel policies and procedures, including Personnel manuals, must comply with applicable federal and state laws.

Equal employment opportunities

It is the policy of the County to comply with all federal and state laws concerning equal employment opportunity. The County is committed to and will provide equal employment opportunities to all persons regardless of race, color, religion, sex, national origin, age, disability, sexual preference, marital status, genetic predisposition, or veteran/military status. This policy of equal opportunity is applicable to all aspects of employment including but not limited to hiring, promotion, transfer, compensation, benefits, training, layoff, recall, corrective actions, and suspensions.

Unlawful discrimination and harassment are prohibited

The County expects employees to treat co-workers and all others with respect and courtesy. The County will not tolerate discrimination or harassment based on race, color, religion, sex, national origin, age, disability, or any other protected characteristic.

The County shall act according to the policies mentioned below with respect to incidents/reports of Workplace Violence and/or Harassment:

ULSTER COUNTY WORKPLACE VIOLENCE PREVENTION POLICY

The Public Employer Workplace Violence Prevention Act as set forth in Section 27-b of the New York Labor Law and Code Rule 800.6 (12 NYCRR § 800.6) requires public employers to develop and implement programs to prevent and minimize workplace violence. Ulster County is committed to providing a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence prevention policy. Ulster County does not tolerate any type of workplace violence committed by or against employees. Employees and non-employees are prohibited from making threats or engaging in violent activities.

Ulster County Policy on Harassment in the Workplace

Every person is entitled to work in an environment free from the damaging effects of unlawful harassment, including but not limited to sexual harassment. Therefore, it is the policy of Ulster County Government that unlawful harassment will not be tolerated. The County affirms its commitment to take appropriate action against individuals engaging in unlawful harassment, and against supervisory and managerial personnel who knowingly allow it to continue.

Prohibited Conduct under This Policy

Workplace harassment infringes on an employee's right to a safe and secure work environment. This policy prohibits harassment in the workplace as related to a person's race, religion, color, national origin, disability, age, sexual orientation, or any other basis prohibited by law, including sexual harassment. The County will take swift and appropriate action to address any violation of this policy. Harassment includes any unwelcome verbal, physical and visual conduct intended to demean, ridicule, degrade, offend, or intimidate another person. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Employees are expected to contact an appropriate supervisor or administrator if they believe that they or anyone else has been or is being harassed. The County will discipline and/or discharge those who violate this policy.

Reasonable accommodation

Reasonable accommodation will be made for Employees suffering from a disability, as long as the accommodation does not create undue hardship on the County or create a direct threat to others.

An employee may arrange for confidential counseling for drug or alcohol dependence problems through the Employee Assistance Program. The Employee Assistance Program can make and coordinate referrals for medical/psychological treatment, and the Personnel Department may arrange for any necessary leaves of absence.

Drugs, narcotics, and alcohol

It is the County's intent to maintain a workplace free from the unlawful use of controlled substances. The County prohibits the use, sale, manufacture, dispensing, or possession of illegal drugs and narcotics by employees, and the writing of unauthorized prescriptions by professional staff members, whether on or off County property. It is also County policy that employees must not possess, consume, or be under the influence of alcoholic beverages during their regular work hours or while on call. The County will discipline or discharge Employees who violate this policy.

Any employee or Business Partner reporting to work or discovered at work in a condition that suggests that he or she is under the influence of narcotics, drugs, or alcohol will be screened, may not be permitted to report to or remain on the job, and may be subject to discipline, including suspension or termination.

Any such matter will be referred to the appropriate County Department Head and the Safety Officer for review and will be handled in accordance with County policies and procedures regarding substance abuse. A copy of the Ulster County Substance Abuse Policy is available from the County Safety Office. All such incidents will be logged and maintained by the County's Safety Office.

Employment of sanctioned (excluded) individuals

The County will not employ or accept as a member of any County staff any individual who:

- Has been convicted of a criminal offense related to health care.
- Is listed as having been found guilty on the New York State Central Registry for child abuse or maltreatment.

The County will not employ or accept as a member of any County staff any individual who:

- Is listed by a New York State or federal agency as debarred, excluded, or otherwise ineligible to participate in federally funded health care programs.

- Is listed on the New York State Nurse Aide Registry as having been found guilty of patient abuse, neglect, or misappropriation of resident's property.

Qualifications of health care professionals

The County, through its credentialing processes, will make appropriate efforts to verify that all physicians, nurses, and other health care professionals who provide health care services on behalf of the County are appropriately licensed and/or certified under New York State law to provide such services.

All physicians, nurses, and other health care professionals must satisfy the applicable requirements for providing services to beneficiaries of government health care programs, including Medicare and Medicaid.

The credentials of these professionals must be checked upon hire or initiation or renewal of a contract, and on a regular basis thereafter.

9. Government Investigations

It is the policy of the County to comply with all applicable laws, and with all lawful and reasonable requests made in a government investigation. The County expects its employees to provide truthful responses to government inquiries.

Protection of legal rights is essential

If any employee receives an inquiry, a subpoena, or other legal document regarding the business of the County, whether at home or in the workplace, it is essential that the legal rights of the County and of the personnel involved be protected. If an employee receives such a legal document, then he or she should immediately notify the County Compliance Officer and the County Attorney.

Investigatory interviews

Prior to commencing any investigatory interview related to an alleged violation of these Standards of Conduct, the County must conduct an assessment of the potential right to legal representation, or lack thereof, of any individual officer or employee suspected of wrongdoing.

Sometimes, it is difficult to tell when a routine governmental inquiry, audit or review turns into a more formal investigation. The County will rely on the common sense and alertness of its employees for making this important determination. In case of any doubt, employees should consult with the County Compliance Officer and the County Attorney.

Statements must be true and accurate

All employees must exercise care in any written or oral statement made to any government agency or any third party payer. The County will not tolerate false or misleading statements by employees to a government agency, any third party payer, or others. Deliberate misrepresentation to government agencies, third party payers, or others could expose the employee to sanctions, up to and including termination of employment and civil or criminal penalties.

10. Reporting of Compliance Issues

How to report concerns regarding compliance issues

If an Employee has concerns regarding any ethics or compliance issue, including any of the Standards of Conduct, policies, and/or procedures described in this document, he/she should immediately contact:

- His or her supervisor, or
- The County Compliance Officer, or
- The County Compliance Hotline:

Upon receiving a report of an ethics or compliance issue, a written report will be generated by the person taking the information. This report will be forwarded as soon as practicable to the County's Compliance Officer or Human Resources Director, depending upon the nature of the report.

All reports of ethics or compliance issues will be reviewed and investigated by the County's Compliance Officer. On a quarterly basis, or more frequently as needed, the County's Compliance Committee will discuss and evaluate such reports.

Hotline

In order to provide employees with every avenue possible through which to raise their concerns, the County has established a Compliance Hotline. This Hotline phone number is available around the clock and throughout the year.

When to use Hotline

An Employee must immediately contact their immediate supervisor, the County's Compliance Officer, or the Compliance Hotline, if and when they reasonably suspect or know of violations or wrongdoing related to any of the following:

- Any/all applicable legal requirements;
- The County Standards of Conduct;
- Any Employee who acquires information that gives him/her a reason to believe that another Employee or business partner is engaged in or plans to engage in prohibited conduct;
- Any information indicating that any other person or entity associated with County plans to violate the Standards of Conduct or any other County or programmatic policy and/or procedure;
- Anyone who is influenced, instructed, directed, or requested to engage in prohibited conduct;
- Any other issues that Employees believe involve questionable activity;
- Other compliance policies and procedures that may be developed by the County.

Confidentiality of Hotline

All calls received on the Compliance Hotline will be treated as confidentially as possible. The County will not permit any retaliation against any Employee for such reporting. Abuse of the Hotline, however, will not be tolerated.

Employees reporting compliance issues may be covered or protected under various provisions in both State and Federal law. Most notably the Qui Tam provisions of the False Claims Act address these issues. The term "qui tam" means that an individual is bringing suit on behalf of the state and for him/herself. Other Federal and state laws also incorporate so-called "whistleblower" provisions. For a listing of some of these applicable laws, please refer to the Federal False Claims Act (http://www.taf.org/federalfca.htm) and the County's Whistleblower Provisions Policy. For a copy of the Whistleblower Policy, please follow the following link:

http://www.co.ulster.ny.us/comptroller/fraud-waste-detection