

Financial Management Services Agency with Choice

Agency with Choice Self-Directed Employee Guide

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Welcome

We are pleased that you are part of our team! Whether you are just joining us or have been working with us for a while, I know that we've gathered the best group of dedicated individuals working together to better the lives of individuals with disabilities or special needs, and their families.

You most likely know many of the things that are contained in this Employee Guide – come to work, do your job, be pleasant, and deliver the best service possible -- but we are issuing it in writing to ensure that we are all on the same page.

Easterseals New Jersey prides itself on being one of the largest providers of services that enable individuals with disabilities or special needs and their families to live, learn, work and play in their communities. This is reflected in our Core Values:

• WARMTH • RESPECT • EXPERTISE.

You are a key part of making that happen. We have been the premier provider of services that promote equality, dignity and independence to persons with disabilities in the State of New Jersey since 1948 and could not have done that without our dedicated employees. Each of you is a key component of our operations. We hope that your experience here will be challenging, enjoyable and rewarding, both personally and professionally.

This employee Guide is an important reference regarding your employment. I know it is long, but we want to ensure that you understand what we expect of you and what you can expect from your employer. Please read it and become familiar with it.

Should you have any questions regarding our personnel policies or procedures, feel free to contact our Customer Service Representatives at 800-471-3086.

Again, we're proud to have you as part of our Easterseals New Jersey team!

Sincerely,
Brian J. Fitzgerald,
President and CEO

SOME THINGS YOU NEED TO KNOW ABOUT THIS SDE GUIDE

THIS IS IMPORTANT: PLEASE READ THIS SECTION

Welcome again! This Guide is an important document that will help you become familiar with Easterseals New Jersey and some of the things we expect of you. Please read through the Guide at your own pace so that you can familiarize yourself with our policies. You may have questions as you read through the Guide. A dedicated Customer Service Representative will be available for you every step of the way. You can reach the representatives Monday through Friday from 8AM to 4:30PM at 800-471-3086 or email us at awccustomerservice@nj.easterseals.com.

This document contains our personnel policies and procedures and describes many of your responsibilities as an employee. It applies to all employees of Easterseals New Jersey, including any and all subsidiary corporations, administrative departments and service lines unless superseded by specific agreement.

While we strive to hire dedicated employees who share our mission, nothing in this Guide guarantees that anyone will be employed with us for any particular length of time.

At all times, all employment with Easterseals New Jersey is what is called “at will”. This means that either you, your Managing Employer or Easterseals New Jersey can end the employment relationship at any time, for any reason or for no reason, without cause or prior notice and without following any procedural requirements.

The at-will employment status may not be changed by any Easterseals New Jersey document or oral or written statement, with the exception of a written employment or other agreement authorized and signed by you or your representative and the Easterseals New Jersey President/CEO and Chief Human Resources Officer.

This Guide and other company documents are not binding, meaning these documents cannot guarantee or promise the length or duration of your employment.

In order to manage the organization and achieve our aims, we need flexibility to change what is not working and improve procedures as necessary. For that reason, as with all terms and conditions of your employment, the procedures, practices, policies, and benefits described in this Guide may be changed, altered or discontinued by Easterseals New Jersey at any time. You may not be notified when changes are made, but we will do our best to update you accordingly. When the Guide is revised, you will receive the new version. This Guide may only be changed by documents issued in writing and authorized by the President/CEO and Chief Human Resources Officer.

This Guide provides a general overview of the employee benefits. Nothing in this Guide guarantees continued benefits or of benefits claims coverage. Please note that most decisions regarding coverage of claims are made solely by the applicable insurance carrier and not by Easterseals New Jersey. We may eliminate or alter benefits at Easterseals New Jersey’s discretion to the extent permitted by law. Eligibility to participate in our benefits programs is discretionary and based upon meeting certain employment requirements. Employees will not accrue eligibility for any benefits, rights, or privileges beyond your last day of employment.

Having the policies set forth in this Guide allows us all to be on the same page regarding our expectations. Policies establish agreements as to what we expect of you, and what you can expect from us. We have high standards for the services that we expect you to deliver to our consumers.

On occasion, an employee violates one of the policies in this Guide, and therefore may receive some form of corrective action, which depending upon the severity of the infraction, may include termination of employment. We hope that you and your Managing Employer can address and solve any issues before these types of actions occur.

All employment policies, whether written or oral, that existed prior to the issuance of this Guide are superseded and replaced by this Guide.

WHO WE ARE AS AN ORGANIZATION

Easterseals New Jersey's Mission, Vision and Values

We are dedicated individuals working together to accomplish Easterseals New Jersey's Mission to help people with disabilities or special needs and their families to live, learn, work, and play in their communities with equality, dignity and independence.

We are a proud service provider striving to fulfill our Vision of:

- outstanding services that achieve community integration, exceed the highest clinical standards, surpass the expectations of consumers, and maintain fiscal soundness
- acquiring and maintaining a sufficient number of donors who consistently give in support of our mission
- achieving a solid foundation for operating, reserve, and discretionary funds
- demonstrating operational excellence

We are dedicated to our Core Values of WARMTH, RESPECT and EXPERTISE that guide us in accomplishing Easterseals New Jersey's mission:

The values that guide Easterseals New Jersey in accomplishing its mission are ***equal opportunity, respect for all people, efficiency and effectiveness***. Easterseals New Jersey firmly believes that persons with disabilities have a fundamental right to the same opportunities as all people. Easterseals New Jersey demonstrates respect for people through concern for their needs and wants without prejudice, and with the utmost professional courtesy. Easterseals New Jersey achieves effectiveness by doing the right things. Easterseals New Jersey achieves efficiency by using fewer resources to achieve desired outcomes without sacrificing quality.

As a Self-Directed Employee, you play a vital role in carrying out our mission, vision, and values! We know you will help us to continue serving our consumers at the highest standards possible.

WHO WE ARE AS THE AGENCY WITH CHOICE

The Fiscal Intermediary – Agency with Choice (AwC) is a unique service that creates a co-employment relationship between the Agency (Easterseals New Jersey) and the Managing Employer (Consumer and/or their Authorized Representative). The AwC will ensure that all Federal and State employment requirements are met, process payment of wages as well as coordinate employee benefits including worker's compensation. The Managing Employer will recruit and hire staff, assign and supervise work responsibilities, and approve time worked.

HOW WE TREAT EACH OTHER

Equal Opportunity

We are proud that our employees come from diverse backgrounds. As one of our core values, we strive to provide equal opportunity to all of our employees without regard to their age, gender, religion, race, color, national origin, marital status, sexual orientation, gender identity or expression, disability which is unrelated to the ability to perform essential job functions, unfavorable military discharge (except dishonorable), veteran status, marital status, parental status, genetic information, source of income or other legally protected category in accordance with applicable law with regard to receipt of services, appointment or election to voluntary office, or hiring for, assignment to, or promotion in staff positions. All offices and facilities operating under Easterseals New Jersey's auspices shall be in compliance with the Americans with Disabilities Act of 1990.

Employment here is based upon personal capabilities and qualifications. All of you are expected to act consistent with these ideals. Discrimination has no place in our organization. This policy applies to all employment decisions, policies and procedures and is to be followed in all personnel actions taken by Easterseals New Jersey. No one is authorized to act contrary to this policy. In other words, we expect you to be respectful. You should respect other's differences and you are expected to treat everyone equally.

Harassment Prohibited

Consistent with our equal opportunity policy, we strive to provide a workplace free from harassment based on any of the protected characteristics described above. Such conduct can be demeaning and degrading and can create a hostile working environment, which could negatively affect our consumers. We expect our employees to treat all of their colleagues and our consumers with respect. Prohibited harassment may include, but is not limited to:

- verbal conduct such as racial or ethnic epithets, derogatory jokes, comments, slurs, threats or unwanted sexual advances, invitations or comments
- visual conduct such as posters, photography, e-mail, cartoons, drawings or gestures that are degrading
- physical conduct such as assault, unwanted touching, or intimidation

Sexual harassment is a form of harassment that also will not be tolerated by Easterseals New Jersey. Sexual harassment is any unwelcome sexual advance, request for sexual favor, verbal or physical conduct of a sexual nature, or other conduct directed to an employee because of his or her gender.

It is our policy to prohibit any type of harassing, demeaning or disrespectful behavior in the workplace. For that reason, and out of respect for your fellow workers and our consumers, we prohibit any of this type of behavior in the workplace. We expect our employees to treat each other and our consumers with the appropriate respect. We expect everyone to maintain a professional and business-like manner on the job.

Workplace Bullying Prohibited

Easterseals New Jersey defines bullying as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment". Such behavior violates Easterseals New Jersey Code of Ethics which clearly states that all employees will be treated with dignity and respect.

We want people to feel comfortable coming to work without hesitation. Easterseals New Jersey will not in any instance tolerate bullying behavior. Employees found in violation of this policy may be disciplined, up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when determining appropriate discipline.

Use common sense. If you think you are doing something that will offend or hurt another person, stop. Treat your Managing Employer and our consumers the same way that you treat your closest family members.

Easterseals New Jersey considers the following types of behavior examples of bullying:

- **Verbal Bullying:** slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks

- **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property
- **Gesture Bullying:** non-verbal threatening gestures, glances which can convey threatening messages
- **Exclusion:** socially or physically excluding or disregarding a person in work-related activities

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person
- Shouting, raising voice at an individual in public and/or in private
- Using verbal or obscene gestures
- Not allowing the person to speak or express him/herself (i.e., ignoring or interrupting)
- Personal insults and use of offensive nicknames
- Public humiliation in any form
- Constantly criticizing someone on a personal level
- Ignoring/interrupting an individual at meetings
- Public reprimands
- Repeatedly accusing someone of errors which cannot be documented
- Deliberately interfering with mail and other communications
- Spreading rumors and gossip regarding individuals
- Encouraging others to disregard a Managing Employer's instructions
- Manipulating the ability of someone to do their work (e.g., overloading, under-loading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions)
- Inflicting menial tasks not in keeping with the normal responsibilities of the job
- Taking credit for another person's ideas
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Deliberately excluding an individual or isolating them from work-related activities (meetings, etc.)
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property)

Reasonable Accommodation for Disabilities and Religious Practices

Easterseals New Jersey provides reasonable accommodations to applicants and employees who are qualified for a job, so that they may perform the essential job duties of the position. If you have a disability and require an accommodation, explain the way(s) the disability affects your ability to do the job with your Managing Employer. To help you, we recommend that you suggest specific accommodations that could be made. Your Managing Employer will work with you to determine what is needed and what can be provided.

Other reasonable accommodations may also be available with respect to legally-protected issues, such as to accommodate an employee's religious practices, including, for example, time off for the observance of holy days or prayer or modification of dress code. Questions and/or requests for such accommodations should be directed to our Customer Service Representatives at 800-471-3086. Please submit such requests as soon as possible. We will work with your Managing Employer in providing reasonable accommodations as long as doing so does not constitute an undue hardship.

Retaliation Prohibited

We want our employees to feel safe to report any wrongdoings they witness while at work. Therefore, Easterseals New Jersey strongly advises Managing Employers to not retaliate against any employee for

complaining about any workplace issues, including complaints of discrimination and/or harassment, legally protected whistleblowing activities or other workplace concerns. Easterseals New Jersey discourages retaliation against employees who seek an accommodation or who participate in any Easterseals New Jersey investigation, and who engage in other types of protected activity.

Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has lodged a complaint is strongly discouraged. If you feel you are being, or have been, retaliated against for complaining about any conduct prohibited by these policies, contact the Customer Service Representatives at 800-471-3086.

Reporting Concerns

Any employee who believes that he or she is being mistreated or discriminated against or that he or she has been retaliated against (or anyone who witnesses any such conduct against another employee) should immediately advise their Managing Employer or the Human Resources Department at hrsupport@nj.easterseals.com. Falsely reporting conduct or failing to participate in Easterseals New Jersey's investigations of discrimination, harassment or retaliation are violations of this policy. Please see Appendix A: *Discrimination, Harassment and/or Retaliation Reporting and Investigation Procedure* for detailed information regarding this policy. It is important that you tell the truth so that we can get to the bottom of the issue and address it accordingly; we have given you an outlet to do so. We want the workplace to be a safe and healthy environment, and with your help, we can accomplish this to the best of our ability.

Employee Protected Activities

We value your opinion. Nothing in this Guide is intended to prevent or discourage any employee from attempting to improve their work environment. We encourage you to discuss these issues with other employees to make an effort to improve them. All employees have legal rights to take these types of 'concerted protected activities' which are protected by the National Labor Relations Act. No employee will be disciplined, discharged or retaliated against for engaging in these legally protected activities.

Solving Issues Through Open Communication

Easterseals New Jersey promotes an "open door" policy and we want to encourage you to feel free to communicate with your Managing Employer about any work-related issues that are on your mind.

If you have any concerns regarding the care of our consumers or other work-related issues described in this Guide, we would appreciate you bringing those concerns to the attention of your Managing Employer so that they can be addressed. He or she has direct knowledge of your responsibilities and should be knowledgeable about the policies and procedures of the Agency with Choice service and their co-employment relationship with Easterseals New Jersey.

Talking with your Managing Employer is often the most logical approach to resolving a problem and you are encouraged to talk to them first. Constant communication with your Managing Employer is key so that you can be successful in your employment. Of course, if you are not comfortable speaking with them about a certain issue, you can contact our Customer Service Representatives for further direction.

Reporting Non-Compliance

As you know, we are governed by state and federal regulations with regard to the care and services we provide. Although we pride ourselves on excellent care, it may happen that someone is not following the rules. It is up to us all to ensure the rules are followed and our consumers are protected. If you have information about suspected criminal activities or violations of business conduct policies, please report any suspicions to our Customer Service Representatives by calling 800-471-8086 or by calling an independent anonymous

Compliance Hotline at 844-410-0044. If you are involved in an investigation, and ESNJ deems it appropriate, you may be suspended without pay pending the outcome of that investigation.

SELF-DIRECTED EMPLOYEE RECORDS/HIRING

Application/New Hire Information

We rely upon the accuracy of information presented throughout the hiring process and during employment, including but not limited to information provided in the application for employment, pre-hire information, and new hire documents. Any misrepresentations, falsifications or material omissions in any of this information or data, or other information or data provided during employment, may result in the individual being excluded from further consideration for employment, and if any falsified, inaccurate or misleading data is discovered after employment has begun, may result in termination of employment.

Easterseals New Jersey reserves the right to dismiss an employee at any time during the pre-employment process or after employment should there be discovery of falsification of any documents, information on the application, credentials or failure to pass any elements of a thorough background check, including behavior inconsistent with an employee of Easterseals New Jersey.

Training Requirements

Easterseals New Jersey is committed to ensuring that all employees meet regulatory compliance with state mandates and service requirements and will provide and monitor the mandated training (pre-employment and ongoing) for all SDEs. SDEs must comply with any relevant licensing and/or certification standards required for the service he/she is providing. These standards ensure that the health and safety of both our SDE's and our consumers are maintained, which is of utmost importance. SDEs that work with individuals with medical restrictions, special instructions, or specialized needs shall receive training directly from their Managing Employer to meet those needs. Staff shall not assume sole responsibility for an individual served until he/she has current certification from a nationally certified training program for CPR and for Standard First Aid.

Employees must ensure that their training certifications or regulatory compliance is always up to date. Any employee who fails to maintain compliance with training requirements may receive corrective action notice and/or be suspended without pay until training is completed.

Please refer to Appendix E for a list of the Training Requirements for an Easterseals New Jersey SDE.

Immigration Law Compliance

Easterseals New Jersey is committed to employing only United States citizens and aliens who are legally authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present the required documentation establishing identity and employment eligibility. Former employees who are rehired must also complete this form if they have not completed a Form I-9 with Easterseals New Jersey within the past three (3) years, or if their previous Form I-9 is no longer retained or valid.

Employee Recordkeeping Changes

We need to keep certain information about each employee updated. Contact a Customer Service Representatives at 800-471-3086 as soon as possible whenever there is a change in one or more of the following:

- **Physical or Mailing Address**
- **All Telephone number contacts (home and cell)**
- **Email address**
- **Person to notify in case of emergency and his/her contact information**
- Legal name, through marriage, or otherwise (requires documentation)
- Arrest or criminal record
- Military status
- Citizenship status
- Banking information for direct deposit purposes
- Current and valid Driver's License
- Status of your professional certifications or licenses, if applicable

Access to SDE Personnel Files

We maintain a personnel file for each Self-Directed Employee which may be stored either electronically or in hard copy form in a personnel file. The personnel record will include such information as the employee's job application and résumé, records of training, employment and salary changes, etc. Should you wish to review the contents of your personnel file, in person, please call our Customer Service Representatives to make an appointment with the Human Resources Department. Copying of or removal of personnel documents by any employee is prohibited, unless express permission is received by Chief Human Resources Officer (CHRO).

Confidentiality of Medical Information

We take our obligations regarding confidentiality of medical information regarding individual employees and consumers very seriously. You are also required to keep medical information regarding other employees and consumers confidential since this is required by law (Refer to HIPAA Policy for additional information). Medical information of the consumer should not be shared or disclosed by an SDE. Employee documents containing medical information will be maintained by Human Resources in a file separate from the employee's personnel file for confidentiality purposes. All employees have a responsibility to respect and maintain the confidentiality of employee and consumer medical information.

WORK STATUS

A Self-Directed Employee will be hired at a work status of full-time hourly or part-time hourly.

Full-time Hourly (Non-Exempt)

- Non-temporary, non-seasonal
- Hired and works thirty-five (35) hours or more per week

Part-time Hourly (Non-Exempt)

- Non-temporary, non-seasonal
- Hired and works less than thirty-five (35) hours per week
- May or may not have a regular schedule

Temporary Self-Directed Employees are those who may be hired to fill-in for a limited time. If this applies to you, you cannot work until Easterseals New Jersey informs the Support Coordinator that you can be added to the consumer's Plan of Care. Approval by the Division of Development Disability is also sometimes necessary. Temporary or seasonal employees are not eligible for employee benefits, except for those required by applicable law.

TIMESHEETS AND PAY

Work Schedule and Approved Hours

Your Managing Employer is responsible for creating and monitoring your work schedule. This schedule will be designed to support the needs of the consumer and is based upon the authorized hours in the approved Plan of Care. A Managing Employer may not ask you or authorize you to work any additional hours that would exceed the amount of preauthorized number that is stated in the Plan of Care.

You are responsible to closely monitor the hours you work on a daily and weekly basis to ensure that you are not exceeding your approved hours as designated on your timesheet. This is important because we must pay everyone accurately for their time worked. If you are asked to work additional hours, which may include hours that exceed forty (40) in a work-week, please contact a Customer Service Representative, **as this is NOT approved by DDD and is strictly enforced by state regulations. This is normally not a permitted expenditure from the Managing Employer's budget.**

When a need for overtime arises, your Managing Employer should contact a Customer Service Representative for permission.

If approved in advance, overtime compensation is paid at a rate of one and one-half (1 ½) times your hourly rate for actual hours worked in excess of forty (40) hours in a given workweek. Paid time off, holidays, and leaves of absence or any other pay for non-work time are not considered hours worked for purposes of performing overtime calculations.

Workweek and Payday

For payroll purposes, unless specified otherwise, the workweek runs from Saturday at 12:00 AM through Friday at 11:59 pm. Employees are paid on a bi-weekly basis every other Friday. In the event that a regularly scheduled payday falls on an observed Easterseals New Jersey holiday, you will generally be paid on the last business day prior to the regularly scheduled payday.

Submitting Timesheets

Each week, you will submit a timesheet in the period mentioned in the previous section; Saturday through, and including, Friday. Your timesheet will include the hours you worked and your detailed notes describing what services/support you provided the consumer that directly reflects the responsibilities in the consumer's POC. We are unable to accept your timesheet if the notes page is not included as this is a mandatory requirement for payroll processing and Medicaid billing. We encourage you to jot down some notes after each day worked so that you can complete the notes pages more easily at the end of each week.

Timesheet submission rules and procedures have been established and provided to you and the Managing Employer. It is very important you read and follow the instructions carefully. If a timesheet is submitted without a note explaining what you did during the hours submitted on your timesheet, a delay may occur in processing your paycheck. If you have any questions regarding timesheet requirements, contact our Customer Service Representatives at 800-471-3086.

Notify Customer Service at awccustomerservice@nj.easterseals.com if you are no longer working for your Managing Employer. Additionally, if a timesheet has not been processed for you in six (6) months or more, your employment may be terminated.

Payment of Wages

Easterseals New Jersey will make payment of earnings every-other Friday based upon the annual established pay dates. Payment of your earnings will be made by either direct deposit, to your established depository account, or on a pay card, established by Easterseals New Jersey.

At time of hire, you will select your designation and complete documentation to authorize the transmission of your pay. Once you provide the required authorization form to the Payroll Department for direct deposit, a verification will be transmitted to your financial institution (pre-note). Please allow up to two (2) pay cycles until your paycheck will be deposited directly to the bank or financial institution of your choice.

Payroll Taxes and Other Withholding

Your pay will have withholdings for federal, state and local income taxes and required Social Security and Medicare contributions based on the exemption information completed and supplied to Easterseals New Jersey on your Form W-4. Under federal law, Easterseals New Jersey matches the amount of Social Security paid by each employee. Other authorized voluntary deductions such as employee benefit contributions or retirement plan deferrals may also be withheld from your paycheck. Easterseals New Jersey strongly encourages you to carefully review your pay statements for accuracy. Please contact our Customer Service Representatives if you have any questions.

Other Important Timesheets and Pay Information

- Easterseals New Jersey will make payment of earnings every other Friday based on an established schedule
- A payroll schedule is provided annually
- Report payroll errors immediately to your Managing Employer
- Pay adjustments will be paid on the next scheduled pay cycle
- Late timesheets will be processed on the next scheduled pay cycle
- **Overtime is not approved by DDD and strictly enforced by state regulations**

Please contact our Customer Service Representatives if you have any questions.

Expense Reimbursement

If your position requires you to participate in certain activities with the consumer (i.e. museum), and if those activity costs are approved in your consumer's POC, Easterseals New Jersey will provide you with a separate Provider Payment Voucher form (PPV). It is important that you follow the instructions carefully on your PPV for efficient processing.

Be sure to:

- Submit PPV within one (1) month of the expense being incurred
- Your request for reimbursement cannot be paid without a receipt
- Documentation is necessary and must relate to the approved expenses in the consumer's Plan of Care (POC)

EMPLOYEE CONDUCT

Expected Conduct from Employees

As an employee who works with us, it is our hope that you will mirror our Values: Warmth, Respect and Expertise. We are all here to provide the best services that we can to our consumers and Easterseals New Jersey expects that you will do just that, and do it with the positive, "can do" attitude each day. We expect you to always use your best efforts to perform all assigned tasks promptly and efficiently, and to be courteous and impartial in dealing with consumers, consumers' families, other employees and the public. If you treat everyone the way you want to be treated, that will go a long way. We strive to create a positive image of Easterseals New Jersey in the eyes of the public, and you will now be representing us in the community, so this standard applies to each of you. It is one of our goals to have individuals with disabilities treated with dignity and respect, and we expect all our employees and colleagues to treat each other, and our consumers in this way.

When you perform your job with the honesty, trust and integrity that is expected, you contribute to our success as a recognized leader in our industry.

We expect all of our employees to act with the highest standards of personal, ethical and professional integrity in all aspects of your activities and to comply with all applicable rules, regulations and Easterseals New Jersey policies. In accepting a position with Easterseals New Jersey, each of us becomes accountable for compliance with our principles of expected conduct.

It is your responsibility to become familiar with all Easterseals New Jersey policies and procedures as contained in this Guide, or as may otherwise be issued to employees or otherwise implemented from time to time, and to abide by them. Failure to follow Easterseals New Jersey policies and procedures may result in disciplinary action, up to and including immediate termination of employment.

Job Responsibilities

Your Managing Employer has hired you because he or she trusts you to care for the consumer at a high level. We expect you to learn the nuances of your job as they are expected to be performed and to proficiently perform your functions and responsibilities. It is also an expectation that you remain flexible in order to adapt to changing and sometimes unexpected situations that can occur. Your job description is a guideline only and may be changed or modified at any time. Your Managing Employer should be your first point of contact when responsibilities are modified or added. You should work with your Managing Employer to address any gaps in training or any concerns you may have. We will work with you to help you become acquainted with any new responsibilities that may arise and a Customer Service Representative is always available to support you along the way.

Because SDEs provide individualized supports, you should be familiar with your responsibilities as they relate to the specific needs of your individual consumer. You may occasionally be asked to perform job duties other than—or in addition to—those duties that you ordinarily perform, within reason. SDEs are expected to cooperate in such situations as they are often temporary. You should review your job responsibilities with your Managing Employer so that you are on the same page. Being in constant communication with your Managing Employer will help you achieve success on the job. It is part of a healthy working relationship and a positive work environment.

Attendance and Punctuality

You are expected to be present and on time for work every day you are scheduled to be here. Regular attendance and punctuality are essential parts of every job at Easterseals New Jersey. We cannot provide services to our consumers if our employees are not here. Arriving to work a few minutes before your scheduled start time is very important so that you are ready to begin work at your scheduled start time. Unscheduled absences must be avoided whenever possible. Of course, we understand when emergencies arise, and you must be absent. It is your responsibility to notify your Managing Employer as soon as you can when you know you will be late or miss a day of work. Your lateness or absence affects the Managing Employer's ability to serve our consumers. Giving as much notification to your Managing Employer as possible, allows he or she to plan ahead and provide support to the consumer until you return.

You and your Managing Employer need to set some guidelines before you begin employment, as to what they expect you to do when you are late or leaving early, or when you do not show up for work. And you need to know how you will be communicating with them (via phone or text) to notify them when you need to reach them. In addition, you must obtain prior approval before you may leave work early.

Anyone absent for five (5) days without prior permission and without calling in as required, above, will be presumed to have voluntarily quit as of the last day worked.

Professional Appearance and Grooming

We expect you to put your best foot forward with regard to your physical appearance. Employees are expected to be neatly groomed and to maintain healthy hygiene at all times. We ask that you dress in a manner suitable for your work and consistent with good taste. If you work in the consumer's home, it is the sole discretion of your Managing Employer to determine what constitutes acceptable workplace attire.

Please direct questions regarding the required dress and attire to your Managing Employer. If you require an accommodation with regard to Easterseals New Jersey's dress-code policy due to a religious practice, disability, or other reason, please speak with a Customer Service Representative.

Conflicts of Interest/Ethical Business Practices

As a non-profit organization covered by government regulations regarding the services we provide, we need to ensure that there are no conflicts of interest, whether actual or perceived by our employees. You are expected to act in the best interest and safeguard the reputation of Easterseals New Jersey from any conflict of interest or even the appearance of a conflict. This can happen when your outside interests interfere with your ability to objectively perform your job duties. That is why, if at all possible, you should avoid outside interests that may conflict with Easterseals New Jersey's interest, be harmful or embarrassing in any way or jeopardize Easterseals New Jersey's reputation.

If an employee or a member of an employee's family has a financial or other business interest in a vendor of Easterseals New Jersey, that interest could affect the employee's ability to make impartial decisions on behalf of Easterseals New Jersey. As a result, any employee who becomes aware that Easterseals New Jersey is or may be doing business with any such individual, company or entity, he or she must alert management. A conflict can exist if an employee profits personally, financially, professionally or politically at the expense of Easterseals New Jersey—and that needs to be avoided.

If you have any questions regarding an actual or suspected conflict of interest, illegal activity or any breach of Easterseals New Jersey codes of conduct, contact the Chief Human Resources Officer. Employees can report conflicts of interest without fear of reprisal or retaliation. Anyone taking an action against a person making a report under this policy may be found to be in violation of Easterseals New Jersey policy.

Duty to Protect Confidential Information

Like any organization, Easterseals New Jersey has a lot of information it considers confidential—whether it is about our plans, strategies, fundraising, policies, internal issues, and employees or medical information about our employees or consumers. In all of these situations and others, the protection of confidential consumer and Easterseals New Jersey information and trade secrets is vital to the interests and the success of Easterseals New Jersey. Your employment with Easterseals New Jersey includes a duty to protect our confidential information. The term “confidential information” covers any nonpublic information including, but not limited to, that listed just below. All of Easterseals New Jersey’s information should be held in strict confidence, and not relayed to anyone outside Easterseals New Jersey, except in the usual course of business and with Easterseals New Jersey’s permission, or as otherwise required or permitted by law. You should be careful not to discuss confidential information in areas where it could be overheard by others who do not have a business reason to know such information (e.g. individuals that are not employees of Easterseals New Jersey). Disclosure of Easterseals New Jersey’s confidential information to third parties could cause egregious and irreparable harm to our organization. Confidential information includes, but is not limited to, the following examples:

- Business records of Easterseals New Jersey and records relating to consumers
- Easterseals New Jersey manuals, policies and procedures
- Lists, personal information and similar information relating to consumers
- Consumer medical information
- Contracts with Easterseals New Jersey’s vendors or independent contractors
- Financial information of Easterseals New Jersey
- Information regarding Easterseals New Jersey’s services
- Easterseals New Jersey’s strategic and development plans
- Project records
- Employee records and compensation data (see Policies on Confidentiality of Employees’ Personal Information and Confidentiality of Payroll)
- Employee agreements (see Policy on Confidentiality of Employees’ Personal Information)

As an employee of Easterseals New Jersey, you are in a position of trust and you have an obligation to Easterseals New Jersey and to its consumers to see that the confidentiality of this information is strictly maintained and protected. Unauthorized use or disclosure of confidential information, even if inadvertent, compromises both you and Easterseals New Jersey and seriously erodes the confidence Easterseals New Jersey’s consumers and their families, as well as the public, have in our services.

Employees may be required to sign a nondisclosure agreement as a condition of employment. Any employee who discloses trade secrets or confidential and proprietary business information of Easterseals New Jersey to anyone other than a person known to be authorized to receive such information, will be subject to disciplinary action up to and including termination of employment, and may also be subject to legal action. Further, each employee has a continuing obligation to safeguard and not disclose or use all Easterseals New Jersey’s confidential proprietary information even after his or her employment with Easterseals New Jersey ends, whether through retirement, resignation, termination or otherwise. Such restriction on disclosure of Easterseals New Jersey’s confidential information includes a restriction on posting or relaying it on the internet in any forum, blog, or electronic communication of any sort.

As Easterseals New Jersey expects its confidential information to be respected, it is the policy of Easterseals New Jersey to respect the confidential information of others. Employees who possess confidential information

from a former employer, or relating to consumers, clients or employees of a former or other employer, must keep that information confidential and not disclose or use that information for any purpose. Questions about what constitutes confidential information or the conditions upon which it can be released should be directed to your Managing Employer or to the Chief Human Resources Officer.

Theft of Property (Including Confidential Information)

The duty to protect Easterseals New Jersey's confidential information, and care for its equipment and property includes an obligation not to steal it or use it for your own purposes. In this unique co-employment relationship, where you are working in the consumer's home, you are also required to treat their property appropriately. We remind you that removal of the property in the consumer's home, equipment or documents without express consent of the Managing Employer is prohibited. We take such violations seriously and theft of this physical or intellectual property, or otherwise violating this trust, will subject the violator to disciplinary action including but not limited to being placed on a disciplinary suspension or having their employment terminated immediately, at Easterseals New Jersey's discretion, as well as possible legal proceedings, including criminal actions, to prosecute the employee and/or to recover the consumer's property. If necessary, Easterseals New Jersey may seek a Court Order to examine an employee's personal computer equipment, if Easterseals New Jersey has reason to believe that this equipment has been used to breach the security of Easterseals New Jersey's or the consumer's confidential information.

Acceptance of Gifts

As part of our code of ethics, and to avoid an appearance of impropriety or a conflict of interest, employees of Easterseals New Jersey are strongly advised to not accept tips, gifts, services and/or any type of gratuity from individual consumers, families of individual consumers, government entities, visitors, or business firms in appreciation for performance of employee duties.

In the event that gratuities are offered in appreciation, they should be courteously declined. Solicitation of a gratuity or gift from a consumer, family of a consumer, visitor, or business firm by an Easterseals New Jersey employee is inappropriate and disrespectful.

Prevention of Fraud, Waste and Abuse

We are committed to following all applicable laws and regulations, including those that address health care fraud, waste, and abuse and the proper billing of Medicare, Medicaid, and other government funded health care programs, as well as other payers (insurance companies or self-pay patients).

Generally, we *prevent* Fraud, Waste and Abuse in the following ways:

- Empowering a dedicated compliance officer and compliance committee who are charged with the oversight of the compliance program;
- Providing employees with regular training and reviews of the compliance program and code of ethics;
- Providing formal training of staff in proper billing procedures;
- Ensuring specific oversight of actual billing by management and senior management;
- Following a verification system to ensure billing occurred for services rendered;
- Utilizing technology to identify gaps in billing, improper billing (duplicate payments) or unapproved billing (ineligibility or lack of authorization);

Generally, we *detect* Fraud, Waste and Abuse in the following ways:

- Providing a communication system to report fraud, waste or abuse that includes the Compliance Line, open lines of communication, and a grievance process

- Notifying the state of any suspected noncompliance or fraud findings, which may require an investigation and possible termination of DDD services for that individual
- Following a verification system to ensure billing occurred for services rendered
- Following a verification system to ensure billing is submitted only for those eligible
- Mandating specific oversight of actual billing by management and senior management
- Ensuring assigned staff conduct periodic audits

Please see *Appendix D* of this Guide for a full list of the applicable Federal and State laws that outline the prohibited acts as well as the civil and criminal penalties for engaging in such conduct.

How You Can Help

We cannot do this without you, and we rely heavily on you, to identify potential compliance problems and to ask questions regarding our policy and practice for compliance with health care fraud and abuse laws. As addressed above, we have a Compliance Program and various policies and procedures in place to detect and prevent fraud, waste, and abuse and to protect those who report suspected instances of fraud, waste, abuse. Specifically, we have established a Corporate Compliance Program which among other things, addresses, our policies and procedures regarding:

- Methods of reporting potential noncompliance
- Investigation of potential noncompliance
- Maintaining employee anonymity and protections for reporting noncompliance
- Employee Non-Retaliation Policy
- Conflicts of Interest

These and other policies can be obtained through the Corporate Chief Compliance Officer. We encourage you to speak up to help us maintain a compliant environment. To report suspected instances of fraud, waste, or abuse you may contact:

- Our customer Service line at 800-471-3086
- The Corporate Chief Compliance Officer
- A member of the Human Resources Department
- The confidential Compliance Line 1-844-410-0044
- Or, in the case of suspected misuse of Medicaid funds, the Medicaid Fraud hotline 888-937-2835

HIPAA

The Health Insurance Portability and Accountability Act (HIPAA) of 1996, as supplemented by the HITECH Act of 2009 (collectively, HIPAA) are federal laws that apply to health plans, health care providers, and health care clearinghouses. The HIPAA legislation is complex and has many components. The three areas of legislation that are the major focus for Easterseals New Jersey include:

- Privacy – provides rules in regard to how an individual consumer’s health information may be used and disclosed.
- Transaction and Code Sets – requires the use of standard transaction formats and code sets when an individual consumer’s financial health information is transmitted electronically
- Security – requires specific security measures to be in place to protect an individual’ consumer’s health information-that is sent or stored electronically.

Easterseals New Jersey provides all new employees with a HIPAA overview during New Hire Orientation. Additional training is provided to certain employees based on their job duties. Violations of HIPAA are extremely serious and will be dealt with appropriately.

Whistleblower Policy

A whistleblower as defined by this policy is an employee of Easterseals New Jersey who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her Managing Employer or the Chief Human Resources Officer. We understand that it can sometimes be frightening to report an activity. We ask you to keep in mind that by speaking up you are helping us to address an issue that is potentially harming our consumers. By keeping the consumers' best interests in mind, you may feel more empowered to speak out against wrongdoing.

The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas -- confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Company will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Easterseals New Jersey Chief Human Resources Officer at 732-257-6662 immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

To report any illegal and dishonest activities or for questions regarding this policy, contact the Easterseals New Jersey Chief Human Resources Officer at 732-257-6662. Easterseals New Jersey complies with the annual requirements to distribute the Conscientious Employee Protection Act of 1986 (CEPA: Whistleblower Act) notice to all active employees.

Social Networking, Blogging and Other Electronic Media Policy

The Internet provides great opportunities to connect for many reasons. We recognize that our employees may utilize social or online networking sites (including but not limited to Facebook, LinkedIn or Twitter); may have personal or professional "blogs"; or may participate in other types of electronic communications or sites as may be developed in the future. While Easterseals New Jersey recognizes its employees' rights with regard to personal communication in these spheres, we need to make sure that Easterseals New Jersey's reputation and its confidential information are protected. Easterseals New Jersey expects employees to use social networking responsibly and apply common sense. Nothing in this policy is intended to restrict employee concerted protected activity such as communications with co-employees regarding the terms and conditions of your employment.

The following are the guidelines you are expected to follow with regard to social networking or other on-line activity that might affect Easterseals New Jersey:

If your personal actions could pose a conflict of interest with either Easterseals New Jersey or our consumers or the public, we expect you to refrain from those actions.

You may learn information on the job about Easterseals New Jersey's projects or plans, but unless you play a marketing or promotion role for the company, you may not blog, post, or transmit information about Easterseals

New Jersey and/or its consumers without permission. In no case may any Easterseals New Jersey employee give the impression or identify themselves as a representative of Easterseals New Jersey without express authority to do so. Anyone promoting or otherwise commenting on Easterseals New Jersey's services must disclose their affiliation to Easterseals New Jersey, regardless of when and how such postings are made. If you are not authorized to speak for Easterseals New Jersey, you must identify your comments as your own.

Employees may not post messages, blogs, tweets, comments or other communications addressing Easterseals New Jersey's efforts and services, anonymously, whether the communications are positive or negative, without regard to when and how such postings are made.

Your duty to protect Easterseals New Jersey's confidential information (see the policy in this Guide on Duty to Protect Confidential Information) applies on-line as well. You may not disclose Easterseals New Jersey's confidential information (as defined in that policy) through blogging or engaging in social networking sites or otherwise. You are also expected to respect and protect any confidential and personal information you may have obtained regarding fellow employees or Easterseals New Jersey's consumers (unless authorized by a specific employee to disclose his or her information).

Employees are not permitted to use Easterseals New Jersey's name, logo, website address or to link to Easterseals New Jersey's website without express permission from Easterseals New Jersey.

Any connections you make on LinkedIn, Facebook or other social networking sites during your employment with Easterseals New Jersey with Easterseals New Jersey's consumers, vendors, employees or others you meet through your employment with Easterseals New Jersey remain Easterseals New Jersey's contacts, notwithstanding the fact that you may maintain on-line connections with these individuals or companies following the termination of your employment with Easterseals New Jersey. Any obligations you have under contract or common law not to solicit Easterseals New Jersey's consumers, employees or other Easterseals New Jersey relationships you may have developed during your employment, after you leave employment with Easterseals New Jersey, apply to these connections.

Employees may not use social networking sites such as Facebook or personal e-mail addresses for work-related communications unless there is an express need to do so that has been approved by the Chief Human Resources Officer in advance.

No employee may post or distribute photos, videos or audio recordings on the internet of yourself or of other employees at work or at an Easterseals New Jersey function without express permission from both Easterseals New Jersey and each other employee in that picture to post that particular picture. You may not post or distribute photos, videos or audio recordings of consumers anywhere at any time, unless your job includes a marketing/PR function and Easterseals New Jersey has authorized the release in advance.

While we respect your right to have an opinion, employees are prohibited from posting or otherwise transmitting false, derogatory, defamatory, degrading, threatening, hurtful, discriminatory, rude, or otherwise inappropriate comments about Easterseals New Jersey, its owners, shareholders, managers, employees, consumers (and consumers' families) or others related to or associated with Easterseals New Jersey. If you have an opinion to express on your personal blog or web-site or social networking page, we urge you to do so in a civil and polite manner, and require that you include a clear and visible disclaimer indicating that you are posting such content in your private capacity, and that such content does not represent the views of fellow employees or Easterseals New Jersey, its management, its employees or its consumers. We also expect you to engage in legally protected communications with your co-workers about the terms and conditions of your employment in a professional and respectful manner.

Respect the copyright laws, trademark laws, and all other laws that may be applicable to your writings and postings, including those applicable to harassment and discrimination.

Employees seeing derogatory comments about Easterseals New Jersey or employees from outside sources, or observing violations of this policy, should promptly bring them to management's attention.

WORKPLACE HEALTH & SAFETY

It is important that we keep both our employees and our consumers safe in our workplaces. We make every effort to comply with federal, state and local occupational health and safety laws, including those of the federal Occupational Safety and Health Administration (“OSHA”) to keep our work environments safe and secure. We need your help, however, to maintain the required safe and healthy work environment. To this end, we expect you to exercise good judgment to prevent injuries to yourselves or others, report all injuries (regardless of how minor they may seem) and notify Easterseals New Jersey of any possible unsafe conditions, equipment or conduct. We maintain safety information that applies to each employee’s position, and each of you is responsible for being familiar with these procedures. If you feel that there are conditions that are unsafe, you should discuss your concerns with your Managing Employer. Your suggestions could lead to a better work environment for you and for the consumer. You may always report any perceived safety hazard without fear of retaliation.

General Safety Rules

The following are some general safety rules and precautions that all Easterseals New Jersey employees are expected to follow. Your Managing Employer will provide you with training and appropriate supplies to perform your tasks safely.

- Always employ Universal Precautions, including thorough washing of hands with soap and water, when treating or providing medical care to consumers or carrying out other tasks where there could be risk of infection
- Follow proper procedures following any injury or exposure to possible infectious material
- During consumer’s care, always wear gloves, masks and protective eyewear and then dispose of properly
- Employees should know all safety and emergency exit procedures at your workplace including the location of fire extinguishers
- DO NOT handle fires and other emergencies. Get yourself and others to safety and call 911
- Safely use a ladder or stool when reaching for high objects
- Be mindful of where you are walking at all times and aware of all objects that may impede your path
- Notify your Managing Employer if you see an electrical cord worn or damaged
- Employees should never lift or move anything that may be too heavy for them
- During wet or icy weather conditions, wear appropriate footwear and advise your Managing Employer of any concerns

Workplace Violence or Threats of Violence

We want our employees and consumers to be safe in their work environment. Actions that are threatening or create fear or intimidation have no place at Easterseals New Jersey and will not be tolerated. Easterseals New Jersey will not tolerate acts or threats of violence, either verbal or physical, or workplace bullying.

Employees are required to report immediately to their Managing Employer any acts or threats of violence of any kind against any persons or property. In addition, because abusive or hostile language or actions are often a precursor to more serious violent behavior, threats and abusive or hostile language of any kind will not be tolerated by Easterseals New Jersey, and also must be reported immediately to either your Managing Employer or to the Customer Service Representatives. Think about how these actions could negatively affect a consumer. We all want a healthy and safe environment, and you play an important role in ensuring that our consumers feel comfortable and safe.

Weapons

Needless to say, weapons are not permitted at work. To maintain a safe workplace, weapons, firearms, ammunition, explosives and incendiary devices, and knives are strictly forbidden at any time.

Tobacco-Free Workplace

In keeping with our desire to provide a safe and healthful work environment, we encourage a tobacco-free workplace. It is important that you respect working in someone else's home. It is also important to model healthy behaviors for our consumers. Knowing that you are supporting consumers in a home environment, you should refrain from smoking, unless explicitly permitted by the homeowner. This applies equally to electronic vapor cigarettes as well as traditional tobacco cigarettes, or other sorts of smoking devices. Should you have any concerns or questions, please discuss them with your Managing Employer.

Emergency

In case of any emergency, please try to remain calm and notify your Managing Employer. In case of any medical emergency call 911. In case of fire, even if it appears to be minor, notify your Managing Employer, evacuate the worksite and call 911 from outside the building. While employees are not expected to extinguish fires, employees MUST be aware of the location of fire exits and fire extinguishers at all times. In case of other emergencies, remain calm; follow instructions from those in charge; take actions to evacuate where possible or otherwise protect yourself and our consumers. Call 911 as soon as possible. Cooperate with police or other first responders when they arrive.

Alcohol and Drug-Free Workplace Policy

Easterseals New Jersey is an alcohol and drug-free workplace. That means that Easterseals New Jersey has adopted a policy of maintaining a workplace free from drugs and alcohol. Doing so helps to ensure a safe, healthy, and productive work environment for our employees and others, protects Easterseals New Jersey property and insures efficient operations. To be more specific, Easterseals New Jersey does not condone, nor permit, the manufacture, use, sale, distribution, transfer, display or possession of alcohol, illegal drugs, inhalants and other controlled substances, or drug paraphernalia on Easterseals New Jersey's property or the property of the consumer, including medicinal marijuana. Furthermore, Easterseals New Jersey does not condone, nor permit, any employee to be on Easterseals New Jersey property or the property of the consumer, while under the influence of illegal drugs, alcohol, or other controlled substance, nor to conduct Easterseals New Jersey's business while in such a condition. If you are expected to drive or operate machinery, but have a prescription on the orders of a physician who has advised against these activities, you must notify your Managing Employer prior to the start of your shift. Similarly, if your cognitive functions, judgment or other faculties necessary to perform your job are affected, please advise your Managing Employer.

An Employee Assistance Program (EAP) is a resource available to our employees facing addiction. Although Easterseals New Jersey encourages employees with drug or alcohol abuse problems to seek assistance and treatment, doing so may not lessen discipline determined to be warranted based on a violation of this policy.

Drug Testing

With the Stephen Komninos' Law that was enacted in 2017, drug testing **is required** of direct care applicants and employees of any DHS-funded, licensed or regulated program for adults with developmental disabilities. This includes drug testing as a condition of employment, random testing while employed and drug testing for cause based on a concern or suspicion.

Easterseals New Jersey may, at its discretion, require any employee to submit to a drug or alcohol test, which may require the drawing of blood, urine or breath samples. If Easterseals New Jersey reasonably suspects that an employee has violated this policy (e.g., if it suspects that an employee is under the influence of alcohol or illegal drugs or other controlled substances, or that the employee used these substances while at work or

otherwise on Easterseals New Jersey's premises, or while conducting business on Easterseals New Jersey's behalf), Easterseals New Jersey may require an employee to submit to a drug or alcohol test immediately after a workplace accident or injury, or as soon thereafter as practical, based on business necessity. Refusal to submit to a drug and/or alcohol test is grounds for termination, per Stephen Komninos' Law.

Employee Driving Records and Insurance Liability

Our concern for your safety extends to employees who are required to drive as a part their job responsibilities as outlined in the consumer's Plan of Care. Under this circumstance, you are required to review and follow the Easterseals New Jersey Driver's Safety Policy.

If driving is a condition of your job, you will be required to have a current and valid Driver's License and vehicle insurance and registration documents with you and/or in your vehicle at all times as required by law. It is your responsibility to ensure that Easterseals New Jersey has a copy of your current Driver's License and vehicle insurance information on file.

Notify your Managing Employer **and** a Customer Service Representative immediately if:

1. You have any illness, injury, physical condition or use of medication that may impair or affect your ability to safely drive a motor vehicle; and/or,
2. The suspension, revocation, administrative restriction or moving violation on your driver's license.

Depending on the nature of the license suspension and the measures needed to reinstate the employee's driver's license, an employee with driving responsibilities as an essential element of their position who is not legally permitted to drive may not be permitted work.

Additionally, any employee driver will be subject to disciplinary action up to and including separation, if that employee is convicted of driving while intoxicated (DWI) or other unlawful acts while employed with Easterseals New Jersey.

Electronic Social Media

External communication about Easterseals New Jersey through electronic social media is governed by our Social Networking, Blogging and other Electronic Media policy. All employees must be sure to adhere to this policy with regard to external electronic communications about Easterseals New Jersey.

EMPLOYEE BENEFITS

Easterseals New Jersey prides itself on offering benefits that provide options to meet our employees and their family needs which includes some benefits that are available to all employees regardless of hours worked. We want to provide you with the services you need to live comfortably so that you can be happy and healthy while at work. Certain state-mandated benefits programs (such as workers' compensation insurance, short-term disability and unemployment compensation), cover all eligible employees in the manner prescribed by law. In addition, Easterseals New Jersey offers eligible employees (as defined below or in plan documents) participation in certain additional employee benefits plans.

The following descriptions are intended only as a general overview of available benefits and not a substitute for a summary plan description or other plan documents specifically addressing a particular benefit plan, which may need to meet certain legal requirements. The following overviews are not binding agreements and address the employee benefits being offered at the time this Guide is issued. Easterseals New Jersey may eliminate, modify or amend all benefits plans, at its discretion, to the extent permitted by federal or state law. If

there are any variations between the following information and the summary plan descriptions or the plan documents themselves, those documents govern the benefits provided.

Employee Benefits

Your work status will be determined based upon the minimum hours you work each week. We are confident that the benefit options available to you, meet the different needs of our employees, while providing reasonably priced, quality products and services.

Our employee benefits, which include health insurance, prescription, dental and vision are provided to employees and his or her qualified dependents. Contributions are carefully determined each year based upon the overall cost of the benefit premium and market trends. Easterseals New Jersey is committed to covering the majority of the cost of the monthly benefit premium, however, it does require a reasonable shared contribution from the employee for several benefit plans. Easterseals New Jersey covers the full cost of group term life insurance (GTL) and accidental death and dismemberment (AD&D) at no cost to the employee after meeting specific employment eligibility.

Eligible employees have the option to select or waive their enrollment for any or all coverage into the benefits that are offered at new hire, status change or due to a life change event within the established and/or required time frames. Enrollment into any of the available voluntary benefit plans, which include accident and hospitalization insurance, is paid 100% by the employee. Convenient payroll contributions is offered for most benefits.

Easterseals New Jersey reserves the right to modify what insurance products are offered to meet changing conditions.

Retirement Plan

Easterseals New Jersey offers a Tax-Sheltered Annuity (TSA) Plan 403(b) Retirement Plan. Our Plan includes an automatic enrollment feature to newly hired employees once meeting sixty (60) days of employment. Every newly hired employee is notified of this automatic-enrollment feature at the time of hire and their option to not participate.

A matching contribution is included for those employees participating in the Plan once certain criteria have been met. Details about Plan contributions, vesting, loans, etc. are defined in the Plan Document. Additional details and a copy of the Summary Plan Description (SPD) may be obtained by contacting a Customer Service Representative.

Workers' Compensation

Easterseals New Jersey, in accordance with the New Jersey Department of Labor and Workforce Development requirement, is insured under the Worker's Compensation Law. If you are injured at work, you may be eligible to receive certain benefits for job-related illnesses, injuries or exposures. These benefits normally include the cost of your medical treatment and partial compensation as determined by the New Jersey Workers' Compensation program.

The provisions of workers' compensation benefits do not guarantee that the employee will receive any specific amount of leave time from work. Time out from work, if eligible, will be counted towards leave entitlement under the Family and Medical Leave Act (FMLA). Insurance benefits under this policy, and entitlement to leave away from work are considered separately. During Workers' Compensation leave, the Managing Employer reserves the right to temporarily fill the vacant position to ensure that operational needs are not jeopardized.

Should you sustain a work-related injury or illness, no matter how minor, notify your Managing Employer immediately or as soon as possible, but not more than 24 hours after the injury has occurred. If your Managing

Employer is not available, contact a Customer Service Representative. For urgent or life-threatening incidents, emergency medical attention should be called or provided. Otherwise, treatment will be at a facility authorized by the worker's compensation carrier.

Unemployment Insurance

Employees separated from their jobs may be eligible for unemployment insurance benefits. The New Jersey Department of Labor and Workforce Development will make all determinations regarding eligibility and benefit amount. Go to <https://myunemployment.nj.gov/> for additional information.

COBRA and Continuation of Benefit Coverage

The Consolidated Omnibus Budget Reconciliation Act of 1985, or COBRA, is a Federal law that allows workers and their families who lose their health benefits the right to choose to continue group health benefits for a limited period of time under certain circumstances. The following are examples that would trigger COBRA eligibility:

- A voluntary or involuntary termination of employment, unless it is for gross misconduct
- An employee's reduction in hours that would no longer qualify for the plans
- Not returning from a leave of absence
- A covered spouse's divorce or legal separation from the employee
- An employee's death
- Age-out of a covered dependent

Easterseals New Jersey will notify the insurance plan of a qualifying employment event. It is the responsibility of the employee to contact human resources within thirty (30) days, in most cases, when he or she has experienced a life change event that would trigger COBRA.

Typically, benefit continuation under COBRA is a period up to 18 months. While enrolled in COBRA, the participant will pay the full monthly premium plus an administrative fee.

Other benefits, such as group life insurance and voluntary benefits, where applicable, may be portable for conversion to an individual policy or benefit at time of termination or due to a qualified life change event. Please contact Human Resources, hrsupport@nj.easterseals.com for more information.

Paid Holidays

SDEs will be afforded the following paid holidays.

New Year's Day
Memorial Day Observed
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

If the holiday falls on a day when the SDE does not normally work, there will be no alternate date given. For example, if the SDE works Monday through Friday and the holiday is on Saturday, the SDE would not receive the holiday. If the SDE works Monday through Friday and the holiday is on Friday, the SDE would receive the holiday.

Easterseals New Jersey may change this list of paid holidays at its discretion. All hourly (non-exempt) employees who are normally scheduled to work the holiday and are required to work, will be paid at an overtime/holiday rate of one and a half (1 ½) times their hourly rate.

Other Important Information:

- Any holiday time must be taken in full day increments.
- No holiday time will be paid if termination occurs prior to date of the holiday
- There is no holiday pay during a leave of absence
- Holiday calendar will be updated and distributed each year

Paid Time Off Program

It is important that we recognize our employee's hard work by providing the ability to earn and take time off when needed for scheduling vacation and to enjoy time away from work to refresh and rejuvenate, to attend to personal matters, or for your own or a family member's illness. For these reasons and to promote a more flexible approach to taking time off, we have established a *Paid Time Off (PTO) Program*. This PTO program replaces the traditional separation of vacation, sick and personal days to give the employee the freedom to manage his or her time off as needed.

Earning Paid Time Off (PTO)

All employees will be eligible to earn PTO hours each week. The amount of PTO earned will be derived from a formula based on years of service and hours paid. PTO will be calculated based on the below maximums.

PTO will not be earned on any hours worked over forty (40) in any work-week (Saturday through Friday).

Calendar Year	PTO Factor Earned Per Hours	Maximum PTO Hours Allowed Annually
Start date to 5 th	.03846 Hours Earned For Each Hour Paid	80 Hours PTO
5 th year and Above	.05000 Hours Earned For Each Hour Paid	104 Hours PTO

At the end of the calendar year, employee may carry over into the following year a maximum of forty (40) PTO hours. Any PTO hours over forty (40) as of December 31, will be forfeited and no longer available.

Other Information about PTO

- PTO is only earned when an employee is actively working.
- PTO is not earned during an approved leave of absence including, not limited to, disability/medical leave, family leave, or personal leave. Accrual of PTO days will resume upon an employee's return to work from leave.

Short-Term Disability Benefits

Easterseals New Jersey provides short-term disability insurance benefits for eligible employees, consistent with New Jersey law and state-mandated eligibility requirements. An employee will apply for temporary disability insurance benefits after he or she has been absent from work for more than seven (7) consecutive days due to his or her own medical condition that is unrelated to work. Short-term disability benefits are designed to provide replacement income for employees absent from work due to documented non-work-related medical conditions, including pregnancy. Entitlement to insurance benefits under this policy, and entitlement to leave time away from work are considered separately.

Disability Leave

Easterseals New Jersey provides leave time to employees who need time off due to temporary disabilities. Any employee who takes disability leave that extends beyond seven (7) days will be required to file a claim for

short term disability benefits. The employee will use PTO hours to supplement their temporary disability benefits until which time is exhausted. Use of PTO hours is not meant to be exhausted for one instance, extend the duration of the leave granted nor provide job protection. Easterseals New Jersey complies with applicable federal, state and local law with regard to the provision of such leaves, including but not limited to the Family and Medical Leave Act (“FMLA”). If you are eligible for FMLA leave, your leave entitlement will be governed by that statute.

New Jersey Family Leave Insurance

Employees who need time off from work to care for a newborn or newly adopted child, or to care for an immediate family member with a serious health condition, may be eligible for compensation during this leave under New Jersey’s Paid Family Leave Insurance.

“Family member” means a child, spouse, domestic partner, civil union partner or parent of a covered individual. Under this New Jersey law, Easterseals New Jersey’s employees who meet certain eligibility requirements are eligible to receive partial salary continuation paid through New Jersey Family Leave Insurance. Employees who are eligible for this leave may use banked PTO days to top-up their insurance benefits to receive their full compensation. Such paid time off will run concurrent with leave permitted under the FMLA and/or NJFLA. For further information regarding New Jersey’s Paid Family Leave Insurance program, please contact human resources.

The provision of family leave insurance benefits does not guarantee that the employee will receive any specific amount of leave time from work. Entitlement to insurance benefits under this policy, and entitlement to leave away from work are considered separately. Compensation through the New Jersey Family Leave Insurance will not guarantee job protection.

Family and Medical Leave Act/New Jersey Family Leave Act

The Federal Family and Medical Leave Act (FMLA) provides up to twelve (12) weeks of unpaid job-protected leave in a twelve (12) month period, to employees who have been employed for twelve (12) months, have worked for 1250 hours in the twelve (12) months preceding the expected leave date and who work at a facility with, or within 75 miles of, 50 other company employees. This leave may be provided for your own serious health condition; for you to care for a spouse, parent or child with a serious health condition; or for the birth of a newborn or placement of an adopted child or child placed for foster care. There are also some leaves available for individuals who have parents, spouses or children who are service members (in the military). The New Jersey Family Leave Act (NJFLA) provides similar family leave to eligible employees to care for a family member with a serious health condition or for the birth of a new born or in a few other situations but provides twelve (12) weeks of leave in a twenty-four (24) month period. If you are eligible for leave under both laws, at times they run concurrently, and at times consecutively. More information is provided in Appendix C regarding the FMLA/NJFLA.

Bereavement Leave

Should any regular employee experience the death of an immediate family member, the employee will have up to five (5) days off with pay. Immediate family members will be defined as an employee’s spouse or domestic partner, parents (including in-laws), siblings (including in-laws), children (including adopted or step children), and grandparents (including in-laws). Employees are entitled to take one (1) day with pay upon the death of an extended family member (i.e. a cousin, aunt/uncle, etc.). Easterseals New Jersey may request documentation of the relationship and of the death. A “paid day” is considered to be the employee’s usual base pay for the day (taken into account normal scheduled hours for an hourly employee), without considering overtime hours or other compensation subsidies.

Jury Duty

Serving on jury duty is an important civic duty. We encourage employees to participate in our justice system by fulfilling their jury service when called. You must forward a copy of the jury duty summons to a Customer Service Representative as soon as received. Of course, you are expected to report for work whenever the court schedule permits, if the jury does not convene, or if you are excused from service.

Easterseals New Jersey will pay the employee for the term of their duty to serve. If the jury duty falls on a day that the employee is not normally scheduled to work, the employee will not be paid for that day. Once jury duty has been served, please submit a letter from the court to a Customer Service Representative.

Military Leave (USERRA)

We comply with all state and federal laws regarding leave of absence for military service, including the Uniformed Services Employment and Reemployment Rights Act (“USERRA”). Contact a Customer Service Representative if you have any questions regarding military leave.

Other Leaves of Absence

Easterseals New Jersey provides other leaves of absence as required by applicable law and may grant a personal leave of absence. If you would like to take an unpaid leave of absence for reasons unrelated to a personal medical condition, (which is addressed under Easterseals New Jersey’s disability leave policy), please discuss your situation with your Managing Employer and make sure you receive their approval before contacting a Customer Service Representative. Should an unpaid leave be granted, all available PTO days will be exhausted concurrent with your unpaid leave. Use of paid days will not necessarily extend the amount of leave granted but will provide partial pay for your leave. No further paid days off will accrue during an unpaid leave of absence. If you are currently on Easterseals New Jersey’s health insurance plan, depending on the nature of your leave, you may be responsible for 100% of any health insurance premium owed during all or a portion of your leave.

REHIRES

SDE’s who left employment in good standing may be approved for rehire. If your rehire date is more than 90 days from the previous last day worked, you will need to complete all pre-employment screening, documentation/paperwork, training, etc.

If reemployment is less than 90 days from last date worked, the rehire will be reinstated to employment and benefits, if applicable. All required pre-employment training, education and paperwork must be completed, or up to date, no later than the employees first day of work.

ENDING EMPLOYMENT

If a Self-Directed Employee has not submitted payroll timesheets for at least a period of six (6) months, Easterseals has the right to terminate their employment.

Employment with Easterseals New Jersey can come to an end in a number of ways. An employee may end it (such as by resigning or having it deemed to be a voluntarily quit under the no-call-no-show policy), or employment may be ended by their Managing Employer, either for business reasons or reasons due to the employee’s performance or conduct or by Easterseals New Jersey for compliance related matters. Final paycheck will be processed on the next regular pay cycle subsequent to notification of termination.

Requests for Employment and Earnings Verification

It is Easterseals New Jersey’s policy to provide prospective employers of Easterseals New Jersey’s employees with dates of employment, job title and job status. The verification of employment request must be in writing which will include a signed release authorization. All such requests may only be completed by Human

Resources. All requests to verify employee's earnings, usually received by mortgage companies, will be completed by the Payroll Department.

Resignation-Notice

If you will no longer be working with that consumer, please advise your Managing Employer and notify the Customer Service Representatives at Easterseals New Jersey at awccustomerservice@nj.easterseals.com. Kindly provide your Managing Employer at least two (2) weeks written notice of any resignation, if possible, out of respect for the family and the consumer, so they can be supported as best possible after your resignation.

Paid Time Off at Separation

You will be paid out at 50% for any earned and unused Paid Time Off (PTO) when your employment ends, for any reason, at your current hourly rate. Floating Holidays will be forfeited and not paid at termination. If an employee uses and is paid for more PTO hours than he or she earned, any arrearages will be deducted from the employee's final pay.

Conclusion

We hope you found this Guide to be informative and helpful. Please feel free to reach out to a Customer Service Representative if you have any questions or concerns. We are here to support you to ensure you have a smooth transition into the job. Again, welcome aboard and we are thrilled to have you on our team!

APPENDIX A:

DISCRIMINATION, HARASSMENT AND/OR RETALIATION

It has been and will continue to be the policy of Easterseals New Jersey to ensure equal employment opportunity without discrimination on the basis of age, gender, religion, race, color, national origin, marital status, sexual orientation, disability which is unrelated to ability to perform essential job functions, unfavorable military discharge (except dishonorable), veteran status, parental status, genetic information, source of income or other legally protected category in accordance with applicable law with regard to receipt of services, appointment or election to voluntary office, or hiring for, assignment to, or promotion in staff positions, or any other characteristic protected by state or federal law (collectively referred to as “protected characteristics”). We want all employees to be able to enjoy a work environment free from all forms of discrimination, including unlawful harassment. Easterseals New Jersey similarly prohibits retaliation against employees who file complaints under this policy or who participate in complaint investigations. We take claims of discrimination, harassment, and retaliation very seriously. The procedures outlined below will be strictly enforced. We will not tolerate discrimination or unlawful harassment in any form by any of our employees, consumers, other business associates, or visitors, nor will we tolerate any form of retaliation or abuse of this policy. This policy applies to both employees and applicants for employment.

First, here are some definitions:

Discrimination is any action taken against an employee, which affects the terms and/or conditions of his or her employment, because of a protected characteristic of that person, or because that person associates with another person with a protected characteristic. Forms of discrimination can include improper discipline, discriminatory hiring or promotion decisions, derogatory comments, harassment, as well as any other action or inaction by another which adversely affects the terms or conditions of employment, when such actions are based on an employee’s protected category.

Unlawful Harassment is a form of illegal discrimination in which an employee’s work environment is made hostile by, for example, racial or ethnic epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; or display or circulation in the workplace of written or graphic material, including cartoons, photographs or drawings, that denigrates or shows hostility or aversion toward an individual or group (including through e-mail), because of a protected characteristic of that employee.

Sexual Harassment is a specific type of harassment which can take many forms and is very difficult to define – what may constitute such harassment depends on the specific facts of each situation. In general terms, unlawful sexual harassment is unwanted sexual attention or conduct of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention or conduct is unwelcome or sexually offensive. Such conduct is either of a sexual nature, or directed to a person because of his or her sex. Examples of sexual harassment may include, but are not limited to, the following:

- conversations about your own or someone else’s sex life
- obscene or sexually explicit or suggestive language or gestures
- sexual or lewd remarks, jokes or comments
- displaying pornographic or sexually-oriented posters, photography, cartoons or drawings
- unwanted hugs, touches, or kisses
- comments about, or repeated compliments regarding, a person's physical appearance or body
- sexual advances or requests for sexual favors including Quid Pro Quo

Retaliation includes any adverse employment action, or other action taken against an employee, because of protected activity in which the employee engaged, including but not limited to making a complaint under this policy or participating in the investigation of such a complaint.

It is simple. This type of behavior has no place at Easterseals New Jersey, and we will not tolerate any actions of discrimination, harassment or retaliation against our employees.

If you have any questions as to whether specific conduct is discrimination, harassment or retaliation that violates this policy, please contact the Human Resources Department.

REPORTING AND INVESTIGATION PROCEDURE

If you are aware of any behavior that violates our policies, you are required to report it right away so that it can be addressed. Easterseals New Jersey cannot correct situations it does not know about. We have established the following reporting and investigation procedure to ensure that any discrimination, harassment and/or retaliation complaints are addressed promptly.

Report the Incident/Problem Immediately: We require you to report all incidents of discrimination, harassment or retaliation, regardless of the alleged offender's identity or position with Easterseals New Jersey. If you feel you have experienced or observed conduct that is contrary to this policy or if you have concerns about such matters, notify your Managing Employer or the Human Resources Department immediately. Anyone who becomes aware of any conduct that possibly violates this policy must immediately notify their Managing Employer or the Human Resources Department. Of course, the availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued. Initial complaints regarding conduct believed to violate this policy can initially be made verbally but must be memorialized in writing.

It is the employee's responsibility to disclose any and all information relevant to possible incidents of discrimination, harassment or retaliation when reporting a situation. All documents or other physical evidence either the complainant or other employees may possess supporting the complaint of harassment, discrimination or retaliation must also be provided to Easterseals New Jersey's investigators as soon as possible after the employee reports the alleged incident, or the investigator requests such information. Additionally, the employee must identify all known witnesses who may have information relating to his/her complaint. Failure to do so will adversely affect the investigative process.

Investigation: Reported allegations of harassment, discrimination or retaliation will be investigated promptly and thoroughly. The investigation may include individual interviews with the parties involved and, where necessary, with any witnesses who may have knowledge relevant to the complaint. All decisions regarding the scope and duration of the investigation, who is interviewed, what materials are reviewed, etc., are in the sole discretion of Easterseals New Jersey. Confidentiality will be maintained throughout the investigatory process to the extent feasible, consistent with an adequate investigation, appropriate corrective action and applicable law. All employees are expected to cooperate fully with any investigation or inquiry into these matters.

Determination: After a complaint is investigated, the investigator(s) will make a determination and suggest a resolution to the complaint. A determination may suggest discipline, job reassignment, or other solutions to resolve the grievance or complaint. There are certain situations where the actions taken as a result of the determination must be kept confidential. Any actions taken as a result of a grievance or complaint are at the discretion of Easterseals New Jersey.

Responsive Action: Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately at Easterseals New Jersey' discretion. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary disciplinary suspension without pay, termination, or other such action as Easterseals New Jersey, believes may be appropriate under the circumstances. To protect the privacy of

everyone involved, Easterseals New Jersey has a policy of generally not disclosing the specific nature of any disciplinary action taken as a result of an investigation but may do so in appropriate circumstances.

Retaliation Not Tolerated: Easterseals New Jersey will not tolerate retaliation of any kind against any employee who, in good faith, reports or complains about any perceived violation of this policy or participates in any investigation of any such report or complaint. Employees may raise such concerns and make such reports without fear of reprisal or retaliation. Employees who believe they have been retaliated against in violation of this policy, should utilize the complaint reporting mechanism discussed, above. However, any complaints determined by Easterseals New Jersey to have been raised other than in good faith will also be dealt with accordingly.

Any person engaged in retaliatory conduct will be subject to discipline up to and including immediate termination, at Easterseals New Jersey's discretion. At all times, employment with Easterseals New Jersey is "at-will."

An employee's failure to promptly take advantage of this reporting procedure could adversely affect his or her legal rights in the future.

APPENDIX B:

DRIVER SAFETY POLICY

Easterseals New Jersey recognizes that our employees are our most valuable asset and the most important contributors to our missions, our continued growth and our many successes. It is our commitment to provide a safe and secure working environment and make every effort to prevent workplace accidents. The purpose of a policy is to provide the means to reduce unsafe and controllable factors while driving to eliminate unnecessary injuries. We value our employees not only as employees but also as human beings who are crucial to the success of their families, the local community and to Easterseals New Jersey. To further this goal, we have developed a Driver Safety Policy. This policy applies to all employees, whether they are driving a company vehicle, a rental vehicle for company business or a personal vehicle for company business.

POLICY GUIDELINES

Driver Eligibility:

Drivers must possess a valid driver's license for the type of vehicle to be operated and keep their license with them at all times while driving.

Drug/Alcohol Testing:

Drug and alcohol testing will be conducted upon hire, at random or under reasonable suspicion by a licensed medical provider designated by Easterseals New Jersey. An employee having verified positive results or driving under the influence of alcohol, any other illegal substances, or prescribed medications that may impair driving will be disciplined appropriately.

Insurance Requirements:

Employees who use their personal vehicles at the discretion of Easterseals New Jersey for company business are responsible to carry their own insurance coverage.

Basic Vehicle Operation Guidelines:

Employees are required to adhere to basic vehicle operation principles which include, but are not limited to:

- Company vehicles will be regularly maintained per manufacturers' recommendations
- Records of regular maintenance shall be kept centrally.
- Seat belts must be worn by all persons riding in the vehicle.
- Drive defensively. Always anticipate what other drivers on the road might do wrong and plan your mode of avoidance. Never move through traffic aggressively.
- Respect speed limits and traffic signs. Follow all traffic signals.
- Always lock the vehicle and apply the parking brake when getting out, even if it remains in sight.
- During long trips, take frequent breaks and avoid driving while fatigue.
- Avoid driving in dangerous conditions, including drowsiness and inclement weather.
- Traffic Violations
- Easterseals New Jersey, Inc. is not responsible for any traffic violations or parking tickets acquired by violation of municipal ordinance, state or federal laws regarding your driving habits and operation of your motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for Easterseals New Jersey.

Refueling Guidelines:

For your safety when operating a vehicle, follow these guidelines:

- Turn off the vehicle's engine while refueling.
- Never smoke, light matches or use lighters while refueling.
- Do not get into the vehicle during refueling, as this presents a flash fire hazard.
- Never force the hold-open latch on the gasoline pump with any means other than the latch provided.

Distracted Driving:

We firmly prohibit all behavior that distracts employees while he/she is operating a company vehicle. General guidelines for behavior while driving include:

- Use of cellphone handsets while driving is strictly prohibited—this includes all functions of the cellphone including, but not limited to, phone calls, text messaging/SMS, email, MMS, Internet use and camera use.
- Any dialing or use of the handset is handled while safely pulled off the road and stopped
- Emergency calls to 911 will be made using hands-free or safely pulled off the road and stopped.
- No use of electronic devices—including laptops, PDAs, cameras and pagers—while driving.
- Voicemail must handle all calls while driving, and calls may only be returned when safely pulled off the road and stopped.
- Passengers making or taking calls for the driver is permissible provided the interaction does not distract the driver or interfere with his/her performance.

Headset/Hands-free Use

- The use of headsets or hands-free devices while driving is permissible if:
- Use of the device does not cause distraction;
- Conversations do not interfere with the driver's ability to drive safely;
- Road conditions are generally good and do not threaten your safety

Navigation Systems

Sometimes, especially when traveling in unfamiliar areas, drivers require assistance with directions by using Navigation systems. Safely using these systems include:

- Mounted navigation systems may not block or obstruct the driver's view in any way.
- Navigation systems must be voice-narrated and must not require that the driver look away from the road to follow instructions.
- Employees may not program the system while in motion.
- Programming or otherwise engaging with the navigation screen may only occur while safely pulled off the road and stopped.
- Audio Devices
- Employees must follow these guidelines:
- Employees may not take their eyes off the road to adjust music settings.
- Program music settings while safely pulled off the road and stopped or before departing.
- Employees may not, under any circumstances, use any handheld electronic audio devices with headphones.

Accident Reporting

Do not leave the scene of an accident. You are required to call the police and wait for them. Refer to: Accident Reporting Procedures for forms that need to be completed

Accident Investigation Procedures:

We realize some accidents are not preventable. Drivers should seek medical attention immediately, if necessary. Providing detailed facts of the accident will help our insurance carrier deter fraudulent third-party insurance schemes.

All drivers will be supplied with an accident claims binder. Drivers are required to document all details of the accident. If possible, pictures should be taken to document the extent of damage to all vehicles involved. Once this information is secured, the driver is to report the accident immediately to his or her supervisor.

“High Risk” Drivers

The employee is required to notify their supervisor immediately if they receive any motor vehicle violations that could impact their continued driving responsibilities. If the employee’s driving record deteriorates and based upon information provided by the employee and obtained through a motor vehicle abstract, it will be determined if the employee can continue to drive. Should the driver be classified as “high risk” status he/she will not be able to drive. Their supervisor is required to confer with the Human Resources Department stipulations, operating limitations, or other conditions such as loss of all company vehicle driving privileges, transfer of the driver to a non-driving position, or additional driver training. Every effort will be made to determine driving status as soon as possible. Should a decision be made to suspend the driving privileges of the employee, the “high risk” driver will NOT be authorized to drive a motor vehicle, or transport persons served, personnel or ESNJ property at any time on company business.

Reinstatement of driving privileges will be reviewed by Human Resources and management. If employee is not able to resolve their non-driving status in a reasonable timeframe, a decision will be made whether a permanent job transfer can be made or if their employment will be terminated.

Annually every employee who transports consumers using Easterseals New Jersey vehicles will have an updated Motor Vehicle Record completed. This process will be completed by the Human Resources Department.

Prohibited Actions:

Driver actions that will result in loss of driving privileges or disciplinary action up to and including employment termination include:

- *Driving while under the influence of drugs or alcohol*
- *Negligent homicide*
- *Operating a vehicle with a suspended license*
- *Using a motor vehicle for commission of a felony, aggravated assault, reckless driving or in a hit and run.*

APPENDIX C:

FAMILY AND MEDICAL LEAVE (FMLA/NJFLA)

There are certain situations where employees of Easterseals New Jersey may be eligible to take unpaid job-protected leaves under a federal law called the Family and Medical Leave Act (“FMLA”) and/or under a New Jersey state law called the New Jersey Family Leave Act (“NJFLA”). These unpaid job-protected leaves may be taken for certain family-related or personal medical reasons, as discussed below. FMLA and/or NJFLA leave runs concurrently with any other similar leave to which the employee may be entitled based on the same reason.

This policy is intended to be an overview of your rights and obligations under these laws. This policy is not intended to cover all the issues that may arise in individual situations, nor address all the differences between the federal and state laws. The various laws and their accompanying regulations detail how these leaves are to be administered.

Under both of these leave laws, any leave is unpaid, however, this leave time may be paid leave if you qualify for paid leave under Easterseals New Jersey’s disability policies or if you use accumulated PTO days. Leave under the NJFLA may also be paid if you qualify under New Jersey’s Family Leave Insurance law. Generally, when you return from a qualifying leave you will be entitled to be reinstated to your old job, or to an equivalent position. Should you feel you are entitled to a family or medical leave, please see the Human Resources Department to discuss how these leaves apply to you. Easterseals New Jersey complies with all applicable Federal, State and local laws regarding Family and Medical Leave.

Medical Leave is leave taken due to an employee’s *personal serious health condition*.

Family Leave is leave taken for certain situations regarding an employee’s need to provide *care for certain family members*.

Who is Eligible?

The eligibility requirements for the FMLA and the NJFLA are slightly different.

- An employee is eligible for leave under both the FMLA and the NJFLA if the employee has been employed at Easterseals New Jersey for at least 12 months prior to the date leave starts. Under the NJFLA, the 12 months of employment needs to have been in New Jersey.
- To be eligible for leave under both the FMLA and the NJFLA an employee must have worked a certain number of hours during the 12-month period preceding the first day of leave.
 - Under the FMLA an employee needs to have worked 1,250 hours;
 - Under the NJFLA the employee needs to have worked 1,000 hours;
 - Hours worked are counted differently under each statute. Please discuss with the Human Resources Department to determine if you qualify for leave.
- Under the FMLA, the employee needs to be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite when the employee gives notice of the need for leave.

Employees who do not meet these legal eligibility requirements may be granted unpaid leave in the sole discretion of Easterseals New Jersey, and should discuss any request for leave with the Human Resources Department.

How much leave is provided?:

- The FMLA provides eligible employees with:
 - up to 12 workweeks of unpaid leave for certain *family and medical reasons* (including *military exigency leave* described, below) during a 12 month period computed on a rolling year basis measured backward from the first day of leave (for example, if your leave begins on April 1, 2010, your available FMLA leave amount is computed based on the amount of FMLA leave you have taken since April 1, 2009); and

- up to 26 weeks during a single 12 month period to care for a covered service member family member who incurred a serious injury or illness in the line of duty while on active duty (**Military Family Leave**).

During the single 12-month period that an employee takes Military Family Leave, the eligible employee is entitled to a *combined total of 26 weeks* of FMLA leave. In other words, the employee is not entitled to 26 weeks of Military Family Leave, and then another 12 weeks of medical leave for his or her own health condition, during that 12-month period. Rather, during that single 12-month period, the employee may take up to 26 weeks of leave, *total*, under the FMLA for any qualifying purpose. For the purpose of Military Family Leave, only, the “12-month period” starts on the day the employee takes leave and is measured forward for 12 months.

- The NJFLA provides eligible employees with:
 - up to 12 weeks of unpaid leave for certain *family-related reasons* within a 24 month period, computed on a rolling year starting on the first day of leave and rolling backwards.

In most cases, if an employee is also eligible for leave under both laws, the state and federal leaves will run concurrently. Under certain circumstances, however, an employee may be entitled to separate leaves under each statute.

For What Reasons Can Leave Be Taken?

Eligible employees may take leave under the FMLA and/or under the NJFLA for the following reasons:

- 1) under the FMLA for your own serious health condition that makes you unable to perform the essential functions of your job, (referred to as "**Medical Leave**");
- 2) under both the FMLA and NJFLA to care for your new-born child, for the adoption of a child (under the NJFLA, such leave needs to begin within twelve months of the birth or adoption; under the FMLA such leave must conclude within twelve months of the birth or adoption); to care for your spouse, parent, or minor or disabled child with a serious illness (collectively referred to as "**Family Leave**");
- 3) under the NJFLA only to care for your seriously ill parent-in-law or partner in a civil union (also "**Family Leave**");
- 4) under the FMLA only to care for a child newly placed with you in foster care (which must conclude within twelve months of the placement) (also "**Family Leave**");
- 5) under the FMLA only, to care for a family member or next-of-kin who is a service member injured while on active duty in the line of duty or a covered veteran ("**Military Caregiver Leave**");
- 6) under the FMLA only, because of a “qualifying exigency”¹ arising out of the fact that an employee’s spouse, son, daughter, or parent is a “military member” (which is defined to include active duty members of the Regular Armed Forces, members of the Reserves, members of the National Guard, and certain retired members of the Regular Armed Forces and retired Reserves) who has been notified of an impending call or order to covered active duty, or who is on active duty in a foreign country or in support of a contingency operation ("**Military Exigency Leave**"). Qualifying exigencies include:
 - a. Short-notice deployment, and a necessity to address issues that may arise;
 - b. Attendance at military events and related activities;
 - c. Arranging for or addressing child care and school activities;
 - d. Making financial and legal arrangements;
 - e. Attending counseling (other than that provided by a Health Care Provider for oneself);
 - f. Rest and recuperation with military member who is on short-term, temporary, rest and recuperation leave during the period of deployment;
 - g. Arranging/attending to parental care for a parent who is incapable of self-care; and
 - h. Attending to post deployment activities.
- 7) under the FMLA only, due to the serious injury or illness for a covered veteran, which includes an injury or illness incurred or aggravated in the line of duty on active duty in the Armed Forces ("**Medical Leave for Covered Veteran**").

What Is a Serious Health Condition?

A “serious health condition” is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a Health Care Provider. The period of incapacity must be more than three consecutive full calendar days and involve treatment by a health care provider. Under the FMLA, if the employee or family member is under treatment by a health care provider, the first (or only) in-person visit must take place within seven days of the first day of incapacity.

A “serious health condition” includes any period of incapacity due to pregnancy, or for prenatal care. Substance abuse may be a serious health condition, however employee leave under this policy must be an absence to obtain treatment, and not an absence necessitated because of the employee’s own substance use.

A “serious injury or illness” related to Military Family Leave means an injury or illness incurred in the line of duty on active duty in the armed forces (or existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the service member medically unfit to perform his or her duties, and/or which results in the service member being otherwise listed on the temporary disability retired list.

Potential Compensation While On Leave

If you require medical leave as a result of your own illness or pregnancy, you may be eligible to receive Short Term Disability insurance benefits during that period for which you are medically unable to work. If you are disabled as a result of a job-related illness or injury, you may be eligible for salary continuation under the Workers’ Compensation Statute. You may also be able to use accumulated PTO days, as discussed below.

Receipt of short-term disability insurance benefits or Workers’ Compensation Benefits, or the use of accrued paid days or any other personal leave, does not extend your FMLA or NJFLA leave entitlement. Entitlement to insurance benefits and FMLA or NJFLA leave is determined separately.

If you require family leave, this leave is unpaid unless you qualify for benefits under the New Jersey Family Leave Insurance law.

Use of Accrued Paid Leave Time

When you are taking unpaid leave under the FMLA or NJFLA, you must use any banked PTO days that were accrued prior to the start of your leave. The paid days will run concurrently with any FMLA or NJFLA leave for which you are entitled and the use of paid time will not serve to extend the FMLA or NJFLA leave period. You may not use any paid PTO days you are not yet entitled to take.

Employees on unpaid Family/Medical leave will not accrue any additional benefits while on leave although such leave will not constitute a break in service. The period of leave will not be counted in the calculation of an employee’s seniority.

Notice and Procedures

When planning a foreseeable family or medical leave, you must make all reasonable efforts to minimize the disruption of Easterseals New Jersey’s operations. For this reason, employees seeking leave for situations that are predictable are required to provide advance notice to the Human Resources Department by submitting a completed Family/Medical Leave Request form 30 days prior to your leave, for foreseeable leave, and as soon as possible if leave is not foreseeable. These forms are available from the Human Resources Department. In the case of an emergency, either you, a family member, or someone else so designated, needs to call the Human Resources Department to provide notice of your need for leave. The Human Resources Department will notify you as to whether you are eligible for FMLA leave and whether your leave will be designated as FMLA leave. The Human Resources Department will also provide you with written notice detailing your specific rights and responsibilities under the FMLA, your obligations while on leave, and the consequences should you fail to meet those obligations.

Certification

Employees requesting leave to care for a seriously ill family member, or for their own serious health condition, or for a qualifying exigency, must provide Easterseals New Jersey with a Certification from a health care

provider or military issued documentation to support their need for leave. Health Care Provider Certification Forms for different types of leave, and Certification for Qualifying Exigency, are available from the Human Resources Department and in the case of Medical Certification may also be available from your health care provider. Failure to provide the certification required by Easterseals New Jersey, or providing incomplete or insufficient information on the form, may result in the delay of leave, or in some circumstances, denial of reinstatement.

How Can Leaves be taken?

Leaves under both the FMLA and the NJFLA can be taken:

- Consecutively;
- Intermittently (leave taken in separate blocks of time);
- Or on a reduced leave schedule ((leave taken by the employee working fewer hours in a day or days in a week)
- Intermittent and reduced scheduled leave may require that they be medically necessary.

Intermittent or Reduced Schedule Leave

If an employee requires intermittent or reduced leave schedule for the purpose of receiving personal medical treatment or providing care related to medical treatment for a seriously ill family member or service member, employees are expected to consult with the Human Resources Department prior to scheduling medical treatment where possible in order to work out a treatment schedule (subject to the approval of the health care provider) that best suits the needs of both Easterseals New Jersey and the employee.

Under the NJFLA, the total time within which an intermittent leave is taken may not exceed a 12 month period, if such leave is taken in connection with a single serious health condition. Under either statute, Easterseals New Jersey may require the employee to transfer temporarily to an available alternative position with equivalent pay and benefits, for which the employee is qualified, or to have some of the employee's assignments reassigned, in order to better accommodate recurring leave or reduced periods of working time. This leave may be unpaid, in which case the employee's compensation will be reduced based on the amount of time actually worked.

When leave is taken after the birth or placement of a child with you for adoption (or foster care under the FMLA), leave may be taken intermittently or on a reduced leave schedule only if Easterseals New Jersey agrees. Please speak with the Human Resources Department should you wish to take such leave.

Maintenance of Health Benefits

Easterseals New Jersey will continue to maintain coverage under its health benefits plan for eligible employees on leave under the FMLA and/or NJFLA for up to their 12 or 26 weeks of leave entitlement. Coverage will be continued under the same conditions as if the employee had continued to work. Employees on leave are responsible for their contribution for health coverage. If any portion of leave under this policy is paid, the employee's contribution will continue to be made through the usual payroll deduction. For any portion of leave under this policy that is unpaid, the employee is responsible for making arrangements to pay his or her usual contribution amount. If an employee's payment of health insurance premiums is more than 30 days late, Easterseals New Jersey may discontinue health insurance coverage upon notice to the employee. Should an employee require, and be granted, additional leave beyond the 12 or 26 week FMLA leave entitlement, Easterseals New Jersey may not continue health benefit coverage. Any leave beyond the statutory leave entitlement is leave provided by Easterseals New Jersey, and not FMLA leave. Employees on NJFLA leave only may not be entitled to health benefit continuation and may be offered the opportunity to elect to continue benefits under COBRA.

Spouses working for Easterseals New Jersey

If Spouses both work for Easterseals New Jersey, under the FMLA they may take a combined total of 12 weeks of leave for the birth of a child, or placement with you of a child for adoption or foster care, or to care for the employee's parent with a serious health condition. Under the NJFLA, there is no such restriction and each employee will be provided with his or her full leave entitlement.

Under the FMLA, they may also take a combined total of 26 workweeks of leave during the relevant 12-month period to care for a covered service member. If a husband and wife both working for Easterseals New Jersey also need leave for the birth of a child, or placement of a child for adoption or foster care, or to care for the employee's parent with a serious health condition, their combined leave total during this 12-month period is 26 weeks.

Holidays

Holidays occurring during a leave period will be counted against the employee's leave entitlement. Employees on leave are not entitled to Holiday Pay.

Designation of Leave

Easterseals New Jersey will notify the employee that leave has been designated as FMLA and/or NJFLA leave after obtaining sufficient information to make a determination. If the employee takes a leave which might qualify as FMLA or NJFLA leave, and has not put Easterseals New Jersey on notice of the reason for the leave but desires that the leave be counted as FMLA and/or NJFLA leave, the employee must notify the Human Resources Department that the employee desires the leave to be so counted, and must submit a Leave Request Form as soon as possible.

Notice on Return/Fitness to Return

You may be required to present a certification of fitness to return to work prior to your return to work date, when the absence is due to your own serious health condition.

Reinstatement

Upon expiration of leave, Easterseals New Jersey will reinstate eligible employees, except those who would have been affected by a reduction in force or layoff had they not taken leave, to the same or an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment.

Limitations on Leave and Reinstatement

Certain high-salaried employees under some circumstances may be denied reinstatement from leave under the FMLA, or denied leave under the NJFLA.

Return to Work

If you do not return to work from a leave of absence on the agreed-upon date or do not contact your Managing Employer or the Human Resources Department advising that you need to extend your leave and provide any supporting documentation regarding extending the leave prior to the end of your approved leave, you will be considered to have voluntarily resigned your employment.

If Easterseals New Jersey grants additional leave time beyond the FMLA/NJFLA entitlement provided by law, this leave is no longer statutorily protected FMLA or NJFLA leave and Easterseals New Jersey may not be able to guarantee reinstatement to the same or a similar position upon return from the additional leave.

Please contact the Human Resources Department for further information about FMLA or NJFLA leave.

APPENDIX D:

PREVENTION OF FRAUD

Information on Relevant Federal and State Statutes. The following information is provided for reference purposes only. Refer to the actual statute for the complete requirements.

1. Federal False Claims Act, 31 U.S.C. 3729-3733

The Act establishes liability when any person or entity improperly receives from or avoids payment to the Federal government--tax fraud excepted. In summary, the Act prohibits:

- a. Knowingly presenting, or causing to be presented to the Government a false claim for payment;
- b. Knowingly making, using, or causing to be made or used, a false record or statement to get a false claim paid or approved by the government;
- c. Conspiring to defraud the Government by getting a false claim allowed or paid;
- d. Falsely certifying the type or amount of property to be used by the Government;
- e. Certifying receipt of property on a document without completely knowing that the information is true;
- f. Knowingly buying Government property from an unauthorized officer of the Government, and;
- g. Knowingly making, using, or causing to be made or used a false record to avoid, or decrease an obligation to pay or transmit property to the Government.

Any individual or entity engaging in any of the seven categories of prohibited actions listed in 31 U.S.C. 3729(a), including the submission of false claims to federally-funded health care programs, shall be liable for a civil penalty which currently is not less than \$5,500 and not more than \$11,000 per false claim, plus three times the amount of damages sustained by the federal government. The amount of the false claims penalty is to be adjusted periodically for inflation in accordance with a federal formula.

The U.S. Attorney General may bring an action under this law. In addition, the law provides that any “whistleblower” may bring an action under this act on his own behalf and for the United States Government. These actions, which must be filed in U.S. District Court, are known as “qui tam” actions. The Government, after reviewing the complaint and supporting evidence, may decide either to take over the action, or decline to do so, in which case the whistleblower may conduct the action. If either the Government or the whistleblower is successful, the whistleblower is entitled to receive a percentage of the recovery. If prosecuted by the federal government, these qui tam actions are generally handled by the various U.S. Attorney’s Offices, or by the U.S. Justice Department.

Whistleblower Protections:

31 U.S.C. 3730(h) provides that any employee who is subject to retaliation or discrimination by an employer in the terms and conditions of employment because the employee lawfully sought to take action or assist in taking action under this act “shall be entitled to all relief necessary to make the employee whole.” This includes reinstatement with seniority restored to what it would have been without the retaliation or discrimination, double the amount of back pay, interest on back pay, and compensation for any special damages sustained as a result of the employer’s actions, including litigation costs and reasonable attorney’s fees.

2. Federal Program Fraud Civil Remedies Act, 31 U.S.C. 3801-3812

Provides federal administrative remedies for false claims and statements, including those made to federally funded health care programs. Current civil penalties are \$5,500 for each false claim or statement, and an assessment in lieu of damages sustained by the federal government of up to double damages for each false claim for which the Government makes a payment. The amount of the false claims penalty is to be adjusted periodically for inflation in accordance with a federal formula.

**3. New Jersey Medical Assistance and Health Services Act –
Criminal Penalties, N.J.S. 30:4D-17(a)-(d)**

Provides criminal penalties for individuals and entities engaging in fraud or other criminal violations relating to Title XIX-funded programs. They include: (a) fraudulent receipt of payments or benefits: fine of up to \$10,000, imprisonment for up to 3 years, or both; (b) false claims, statements or omissions, or conversion of benefits or payments: fine of up to \$10,000, imprisonment for up to 3 years, or both; (c) kickbacks, rebates and bribes: fine of up to \$10,000, imprisonment for up to 3 years, or both; and (d) false statements or representations about conditions or operations of an institution or facility to qualify for payments: fine of up to \$3,000, or imprisonment for up to 1 year, or both. Criminal prosecutions are generally handled by the Medicaid Fraud Section within the Office of Insurance Fraud Prosecutor, in the N.J. Division of Criminal Justice.

Civil Remedies, N.J.S. 30:4D-7.h., N.J.S. 30:4D-17(e)-(i); N.J.S. 30:4D-17.1.a.:

In addition to the criminal sanctions discussed in section 3 above, violations of N.J.S. 30:4D-17(a)-(d) can also result in the following civil sanctions: (a) unintentional violations: recovery of overpayments and interest; (b) intentional violation: recovery of overpayments, interest, up to triple damages, and, as indicated below, a penalty (which was increased from \$2,000 to \$5,500 to \$11,000) for each false claim as a result of the NJ False Claims Act. Recovery actions are generally pursued administratively by the Division of Medical Assistance and Health Services, with the assistance of the Division of Law in the N.J. Attorney General's Office, and can be obtained against any individual or entity responsible for or receiving the benefit or possession of the incorrect payments.

In addition to recovery actions, violations can result in the exclusion of an individual or entity from participation in all health care programs funded in whole or in part by the N.J. Division of Medical Assistance and Health Services. Recovery and exclusion can also be obtained as part of a criminal prosecution by the Medicaid Fraud Section of the N.J. Division of Criminal Justice.

4. Health Care Claims Fraud Act

N.J.S. 2C:21-4.2 & 4.3; N.J.S. 2C:51-5

Provides the following criminal penalties for health care claims fraud, including the submission of false claims to programs funded in whole or in part with state funds:

- a. A practitioner who knowingly commits health care claims fraud in the course of providing professional services is guilty of a crime of the second degree, and is subject to a fine of up to 5 times the monetary benefits obtained or sought to be obtained and to permanent forfeiture of his license;
- b. A practitioner who recklessly commits health care claims fraud in the course of providing professional services is guilty of a crime of the third degree, and is subject to a fine of up to 5 times the pecuniary benefit obtained or sought to be obtained and the suspension of his license for up to 1 year;
- c. A person who is not a practitioner subject to paragraph a. or b. above (for example, someone who is not licensed, registered or certified by an appropriate State agency as a health care professional) is guilty of a crime of the third degree if that person knowingly commits health care claims fraud. Such a person is guilty of a crime of the second degree if that person knowingly commits 5 or more acts of health care claims fraud, and the aggregate monetary benefit obtained or sought to be obtained is at least \$1,000. In addition to all other criminal penalties allowed by law, such a person may be subject to a fine of up to 5 times the monetary benefit obtained or sought to be obtained;
- d. A person who is not a practitioner subject to paragraph a. or b. above is guilty of a crime of the fourth degree if that person recklessly commits health care claims fraud. In addition to all other criminal penalties allowed by law, such a person may be subject to a fine of up to 5 times the monetary benefit obtained or sought to be obtained.

5. The Uniform Enforcement Act

N.J.S. 45:1-21. b. and o.

Provides that a licensure board within the N.J. Division of Consumer Affairs "may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board" who as engaged in "dishonesty, fraud, deception, misrepresentation, false promise or false pretense, or has "advertised fraudulently in any manner."

6. N.J. Consumer Fraud Act

N.J.S. 56:8-2, 56:8-3.1, 56:8-13, 56:8-14 and 56:8-15

Makes unlawful the use of "any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing concealment, suppression, or omission of any material fact", with the intent that others rely upon it, in connection with the sale, rental or distribution of any items or services by a person, or with the subsequent performance of that person.

This law permits the N.J. Attorney General, in addition to any other penalty provided by law, to assess a penalty of not more than \$10,000 for the first offense and not more than \$20,000 for the second and each subsequent offense. Restitution to the victim also can be ordered.

7. Conscientious Employee Protection Act, “Whistleblower Act”, N.J.S.A. 34:19-4

New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

- a. Discloses, or threatens to disclose, to a Managing Employer or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - i. is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - ii. is fraudulent or criminal; or
 - iii. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.

The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a Managing Employer of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more Managing Employers or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergent in nature.

8. New Jersey False Claims Act, N.J.S.A. 2A:32C-1 et seq.

The New Jersey False Claims Act (NJFCA) was enacted in January, 2008 and became effective in March 2008. It has similar provisions to the federal False Claims Act. For example, The Attorney General may bring an action against an individual or entity that makes a false claim. In addition, the NJFCA also allows for individuals to bring a private right of action in the name of the State against wrongdoers and be able to collect a penalty from those wrongdoers. Under the NJFCA, the civil penalties were increased from to \$2,000 per false or fraudulent claim to the federal level which is currently \$5,500 to \$11,000 per false or fraudulent claim under the NJ Medical Assistance and Health Services Act.

The NJFCA provides that a person will be liable for the same penalties as under the federal False Claims Act but to the State of NJ if that person:

- a. Knowingly presents or causes to be presented to an employee, officer or agent of the State, or to any contractor, grantee, or other recipient of State funds, a false or fraudulent claim for payment or approval;
- b. Knowingly makes, uses, or causes to be made or used a false record or statement to get a false or fraudulent claim paid or approved by the State;
- c. Conspires to defraud the State by getting a false or fraudulent claim allowed or paid by the State;
- d. Has possession, custody, or control of public property or money used or to be used by the State and knowingly delivers or causes to be delivered less property than the amount for which the person receives a certificate or receipt;
- e. Is authorized to make or deliver a document certifying receipt of property used or to be used by the State and, intending to defraud the entity, makes or delivers a receipt without completely knowing that the information on the receipt is true;
- f. Knowingly buys, or receives as a pledge of an obligation or debt, public property from any person who lawfully may not sell or pledge the property; or
- g. Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the State.

In addition to the above, the NJ False Claims Act has whistleblower protections within it similar to the ones under the federal False Claims Act.

E. Websites for Obtaining Additional Information:

Deficit Reduction Act – Public Law 109-171

www.gpoaccess.gov/plaws/index.html

(insert public law 109-171 in the quick search box)

New Jersey Statutes

www.njleg.state.nj.us

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, Deficit Reduction Act

<http://www.cms.hhs.gov/DeficitReductionAct/>

APPENDIX E:

TRAINING REQUIREMENTS

Training	Timeframe	Frequency	Method/Source
DDD Life Threatening Emergencies	Within 90 days of hire	Upon hire	Online through College of Direct Supports (CDS)
DDD Stephen Komninos' Law	Within 90 days of hire	Upon hire	Online through College of Direct Supports (CDS)
Shifting Expectations: Changes in Perception, Life Experience & Services	Within 90 days of hire	Upon hire	Online through College of Direct Supports (CDS)
Prevention of Abuse, Neglect, & Exploitation Lessons 1, 3, 4, 5, and 7	Within 90 days of hire	Upon hire	Online through College of Direct Supports (CDS)
Prevention of Abuse, Neglect, & Exploitation Practicum	Within 90 days of hire	Upon hire	Individual or Authorized Representative shall complete in-person with SDE
Individual/Family Developed Orientation	Within 30 days of hire	Upon hire	Individual or Authorized Representative shall develop content and conduct in-person training with SDE
Medication Modules: Lessons 1 through 4	If applicable, Prior to giving medications	Upon hire	Online through College of Direct Supports (CDS)
Medication Practicum	If applicable, prior to giving medications	Upon hire	Individual or Authorized Representative shall complete in-person with SDE
CPR	Prior to working alone with individual	Every 2 years	In-person, Nationally Certified Training Program **MUST include practical skills component; online only is not acceptable
First Aid	Prior to working alone with individual	Every 2 years	In-person, Nationally Certified Training Program **MUST include practical skills component; online only is not acceptable
Specialized Trainings	Within 90 days of hire, <i>if applicable</i>	As needed	Determined by Individual and/or Authorized Representative
Behavior Supports Plan overview	Within 90 days of hire, <i>if applicable</i>	As needed	Determined by author of Behavior Plan

APPENDIX F:

REFERENCED TERMS

AwC	Agency with Choice
Agency with Choice	AwC
AR	Authorized Representative and/or Managing Employer
Authorized representative	Managing Employer, family member supervising
CSR	Customer Service Representative
Customer Service Representative	CSR
DDD	Division of Developmental Disabilities
Division of Developmental Disabilities	DDD
DHS	Department of Human Services
Department of Human Services	DHS
Individual	Consumer, Person Served, Service Recipient
Service recipient/ Person served	Individual (Consumer)
Managing Employer	Authorized representative, Family member supervising
POC	Plan of Care for the individual (consumer)
Plan of Care for the individual (consumer)	POC
SC	Support Coordinator
Support Coordinator	SC