



# The Counseling Source / Rehab Continuum Employee Handbook



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## **ABOUT THIS HANDBOOK**

This handbook is intended to be a communication tool to let employees know about the policies, guidelines, benefits and work practices that affect their employment. This handbook refers to the “Company” and “The Counseling Source”, and “TCS” throughout the book and are used interchangeably to reference employees of The Counseling Source and The Rehab Continuum.

This handbook is designed to acquaint you with TCS and provide you with information about working conditions, employee benefits and some of the policies affecting your employment. You should read, understand and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Company to benefit employees.

This handbook is not intended to create, and should not be interpreted as, creating a contract of employment for a definite duration. Just as employees may quit their position at any time so too must the Company retain the same flexibility. Therefore, no contract for employment or change in status, compensation, or benefits will be recognized by the Company unless set forth in a separate document signed by the employee and the Executive Director. This handbook is meant to provide an overview of Company policies and procedures. If there is any discrepancy between the handbook and any written plan policies, benefit plans, or contracts, the later will remain the controlling document.

Should any provision in this employee handbook be found to be unenforceable and invalid, such a finding does not invalidate the entire employee handbook, but only the subject provision. Nothing in this handbook is intended to infringe upon employee rights under Section 7 of the National Labor Relations Act (NLRA) or be incompatible with the NLRA.

Although we feel one of the best ways to develop an employee’s trust and confidence in the Company is to perform in a consistent manner, we do realize that changes to our daily practices may become necessary. Thus, the Company reserves the right to change or modify its practices and policies, in accordance with management’s best judgment. When this occurs we will attempt to notify employees of the change(s) as soon as possible. The handbook cannot anticipate every circumstance or question about policy. If you have any questions or comments regarding the handbook, contact the Executive Director.

# **INTRODUCTION TO THE COUNSELING SOURCE, INC.**

## **WELCOME**

Welcome to The Counseling Source, Inc. You have been hired because of your clinical skills, attitude toward providing mental health services, and perceived dedication to delivering high quality care to those we serve. The Counseling Source, Inc. seeks employees who perform their responsibilities in a professional manner. We seek people who will treat our clients with consideration, respect and compassion.

In order to work well together and to insure efficient operation, we strive to maintain an open atmosphere. The successful operation of our organization depends upon encouraging expression of ideas, suggestions and opinions. Constructive criticism is welcome and helpful in refining our delivery of service.

## **HISTORY OF ORGANIZATION**

The Rehab Continuum, Inc. (the parent company of The Counseling Source, Inc.) was incorporated as Rehab To Go, Inc., in the early spring of 1990 in Cincinnati, Ohio. Its roots lie in the common experience and interest its six principals had in treating the Traumatically Brain Injured.

During the early years 1990, 1991 and 1992 The Rehab Continuum, Inc. established itself as a leading provider of contractual therapy services in the Tri-State area. The organization's operational and financial foundation was also set in place during this time. After more than a year operating out of the basement of one of the principal's homes, The Rehab Continuum, Inc. leased a small office suite at The Reed Hartman Corporate Office Park where its headquarters and The Counseling Source remain today.

The Rehab Continuum, Inc. formed two wholly owned subsidiaries in the fall of 1993 - The Counseling Source and The Therapy Source. These two entities were formed to permit The Rehab Continuum, Inc., an organization that has largely contracted directly with institutions to most effectively pursue direct service to individuals. The long-term intent was that both these subsidiaries would provide service to individuals directly on a fee-for-service basis.

The Counseling Source became certified as a mental health agency in the fall of 1995 and became CARF accredited in 2006. Our expert staff has both experience in, and ongoing education and technical training regarding, the provision of mental health services in the settings and with the population we serve. Individualized attention and flexibility in service provision and its field-based methods of operation distinguishes The Counseling Source from its competitors.

## **MISSION STATEMENT**

The Mission of The Counseling Source, Inc. is to deliver community based mental health services of exceptional quality to consumers who might otherwise have difficulty accessing mental health care.

## **EMPLOYMENT AT WILL**

The policies and procedures described in this Employee Handbook are the present policies and procedures of Employer, and are subject to change at any time by Employer without prior notice to Employees. Nothing contained in this Employee Handbook is intended to create, or should be considered to create, a contract of employment for a definite or indefinite duration between Employer and any Employee. Your employment is at will, meaning that either you or your employer may terminate your employment at any time, for any or no reason.

No employee or representative of Employer, other than its Executive Director, has the right to enter into any type of verbal or written agreement regarding length of employment, promotions or pay increases with any other Employee. Any agreement regarding your employment must be in writing and signed by both you and the Executive Director.

## **EQUAL EMPLOYMENT**

### **STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY**

It is The Counseling Source, Inc.'s policy to provide for the assurance of non-discrimination against any qualified person or group of persons on the grounds of race, ethnicity, age (40 and over), color, religion, sex, national origin, citizenship status, sexual orientation, physical, mental or developmental disability, genetic information, or in any manner prohibited by the laws of the State of Ohio and the United States in the recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, and, in general, treatment during employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Human Resources or the Executive Director. Every report of perceived discrimination will be fully investigated. In addition, the Company will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigation of such reports in accordance with this policy, or who seek an accommodation. 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 complained about or resisted discrimination, harassment or retaliation, or because the employee has made other workplace complaints or participated in workplace investigations, will not be tolerated.

To ensure our workplace is free from discrimination, any violation of this policy will not be tolerated and may lead to discipline, up to and including discharge.

Each employee is responsible for helping The Counseling Source, Inc. maintain a climate that

provides equal opportunity for all.

## **DISABILITY ACCOMMODATION**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of The Counseling Source, Inc. to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

The company will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the Company. If you require an accommodation, provide your written request to Human Resources.

## **THE ROLE OF THE EMPLOYEE**

### **CONFIDENTIALITY**

Respect for the privacy and dignity of the individual is among the most basic rules of professional ethics. We must respect this privacy by avoiding discussions involving our clients or their care in public places in or out of a contractual facility. The Counseling Source, Inc. and its employees are legally and morally bound to hold in strict confidence all client information available to them. Anything pertaining to a patient, his/her family, his/her physician, and his/her treatment must never be discussed outside the realm of patient care or released to anyone other than the resident or authorized individuals as defined in the HIPAA Privacy Policies and Procedures.

### **CONFLICT OF INTEREST**

It is the employee's responsibility to dedicate his/her efforts to fulfilling The Counseling Source, Inc.'s goals and objectives while in the employ of The Counseling Source, Inc. Activities outside the hours of work should not be made in conflict with the interests of The Counseling Source, Inc.

## **VOLUNTEERING AND VISITATION**

Employees are encouraged during the course of their normal workday to be friendly to clients. It is however important that any communication and/or visitation to clients outside of the workday not conflict with the professional relationship or conflict with the general rules of the facility regarding visitors.

## **WORK SCHEDULES**

Work schedules are coordinated between you, the TCS home office and the facilities you serve. All changes in schedules must be communicated to the TCS office, your supervisor and the facility you serve prior to implementation of the changes. If a sudden change in schedule is needed (i.e. switching days off, personal or family illness), the TCS office, your supervisor and the facility you serve must be notified immediately. When you are ill, you must notify your facilities effected, your direct supervisor and the corporate office prior to the beginning of the business day. You must also call the facility you serve prior to the beginning of the workday as well. If it is not possible for you to call the facility directly, you may make arrangements with a corporate office representative to do so for you. If you leave a facility prior to completing scheduled hours; you must notify the corporate office and your supervisor. Failure to comply with this policy may result in disciplinary action, up to and including immediate termination of employment.

## **ATTENDANCE AND PUNCTUALITY**

Employees are required to report to work on a timely basis. If a delay is unavoidable, contact the corporate office, your supervisor and the facility you serve. If trends in tardiness or absenteeism occur, the Executive Director may take disciplinary action including termination of employment. When illness occurs, you must call the office prior to the beginning of business hours and you must either contact the facility you serve or make arrangements with a corporate staff representative to do so.

## **PAY PERIOD**

The pay period runs Sunday through Saturday on a biweekly basis. Payday is on the Friday in the week following the end of the pay period for administrative staff and on the second Friday following the end of the pay period for clinical staff. Your check or direct deposit stub will be sent to you unless you make prior arrangements to pick it up at the corporate office. Questions concerning your paycheck should be directed to Human Resources.

## **TIME REPORTING**

Accurate recording of time worked and services delivered is important for accurate billing and payroll. The relevant documentation must be completed and submitted on a weekly basis by the following Thursday.

The following rules must be followed:



- Employees must record their time and mileage in the proper spaces in the relevant software application
- If there is an error made on the time card, the employee must notify payroll immediately to have it corrected.
- Wages will not be paid unless time is reported to the corporate office by the payroll deadline and its distribution delayed (a live check cut) until all required paperwork is received at the office.

**LATE SUBMISSION / MINIMUM WAGE.** Clinicians who have billings / clinical documentation / payroll information that is more than two pay periods late after January 22 (the payroll deadline for the January 26 payroll) will have their pay reduced to minimum wage for the late billings which are for services more than two pay periods old.

For Example: If, on January 22 (for the January 26 payroll), you turn in billings for service dates before December 17, your payment for any time worked before December 17th will be reduced from \$42 or \$35 (your clinical hour rate) to the minimum wage per hour for those late billings (and yes this is legal and also fair) as we run the risk of not being paid at all. Subsequent on-time billing submissions will be paid at the regular (full) per clinical hour rate. Salaried employees (those getting a flat salary / regular amount each payroll) will also have their rate decreased to minimum wage for the late billings.

## **EMPLOYMENT REQUIREMENTS**

All clinicians, within 30 days of beginning employment must present a negative drug test, a Hepatitis B vaccination or waiver, and a tuberculin two step Mantoux skin test or chest x-ray, if previous positive reaction (unless medically contraindicated). The Counseling Source, Inc. will reimburse or pay directly for the employee for the costs of the physical and the TB test. Clinicians must also submit copies of licensure or certification. All employees must submit an Employment Application, resume of previous experience, a W-4, and an I-9 (with accompanying documentation) and submit to fingerprinting for a criminal background check. When an employee drives on company time, the employee must have, and provide evidence of on a yearly basis, vehicle liability insurance of at least \$100,000/\$300,000.

## **PERSONNEL FILES**

A personnel file will be kept for every employee of The Counseling Source, Inc. This file will consist of employment-related information which may include, but is not limited to, the following: an employment application; licensure and/or certification documentation for verification of credentials; a copy of employee's job description, a signed statement of understanding of and compliance with the Employee Handbook; continuing education verification and/or related documentation; a copy of each performance evaluation and salary or hourly rate change; and any information pertaining to disciplinary actions (if applicable) and the I-9 form (verification of citizenship and employment eligibility) and support documentation.. A separate file will be kept, in a locked file cabinet, to contain verification of employee's yearly TB test and any other related medical information.

## **APPEARANCE AND ATTIRE**

You must at all times be attired in neat and clean wearing apparel consistent with the standards of cleanliness and personal hygiene required by your position and responsibilities.

No jeans, halter-tops or midriffs, shorts, sandals, or t-shirts with logos are to be worn at any time.

Nametag provided by The Counseling Source must be worn at all times unless a host site specifies otherwise.

Other buttons, pins, or tags are prohibited without advance permission of the Executive Director.

On certain special occasions, the dress code may be temporarily suspended at a particular facility. The Administrator of the host facility and TCS's Executive Director will determine the appropriateness of suspension of the dress code for the TCS personnel.

Changing into or out of appropriate clothing on a facility's premises is not permitted. Your compliance with the dress code reflects your pride in your role with our organization.

## **NAME TAGS**

All clinicians will be furnished with nametags and are required to wear them at contractual facilities unless otherwise requested by contractual facility. These nametags will assist clients and families in identifying employees. The initial nametag will be provided by The Counseling Source, Inc. Nametags do assist with identification and add a professional quality to employment. Failure to wear the nametag will be considered a policy violation and make the staff member subject to disciplinary action.

## **POLICY AGAINST HARASSMENT**

It is The Counseling Source's policy to prohibit harassment of any individual by another person on the basis of any protected classification listed in TCS's Equal Employment Opportunity Policy Statement or otherwise protected by federal, state or local law. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual based upon a characteristic protected by law.

Unlawful harassment is conduct that may include, but is not limited to, the following:

- Verbal conduct such as racial or ethnic epithets, derogatory jokes, comments, slurs, threats or unwanted sexual advances, invitations or comments related to a protected characteristic
- Visual conduct such as racially derogatory and/or sexually-oriented posters, photography, e-mail, cartoons, drawings or gestures that are degrading because of ethnicity, religion, sex or another characteristic
- Physical conduct such as assault, unwanted touching, blocking of normal movement or interference with one's work, where such conduct is directed at a person because of a protected characteristic

It is The Counseling Source's position that such harassment will not be tolerated. Any employee who engages in such harassment by any means, including in person and/or through the use of e-mail, voice mail, telephone, Internet, audio or video devices and/or computer or hard-copy documents, will be subject to discipline, up to and including termination.

Sexual harassment is a form of unlawful harassment that also will not be tolerated by the Company. In general, sexual harassment is any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature, or such conduct that is directed to an employee because of his or her sex. Examples of unlawful sexual harassment may include, but are not limited to, the following: suggestive or lewd remarks, jokes or comments; unwanted hugs, touches, or kisses; inappropriate noises, whistles, cat calls, or the like; excessive or inappropriate compliments regarding a person's appearance or body; leering or other inappropriate staring at an individual, or particular body parts; requests for sexual favors; and repeated requests for dates, dinner, or other invitations that are rebuffed; sexually explicit or pornographic posters, cartoons, drawings, videos or e-mails.

While unlawful harassment consists of unwanted behavior, it is the Company's policy to prohibit such behavior in the workplace, even if it is not unwanted by the recipient. To that end, we expect everyone to behave in the workplace in a professional and business-like manner. While collegiality and friendliness is expected, overly-friendly and familiar behavior (e.g., overly familiar language, inappropriate touching (including but not limited to massages), pet-name calling), even when not unwanted or unwelcome by the recipient, is inappropriate workplace behavior and unacceptable.

In addition, the Company will not allow any form of retaliation against individuals who report in good faith to management such conduct or who cooperate in the investigations of such reports in accordance with this policy.

Anyone who feels that he or she has been subjected to conduct which violates this policy should immediately report the matter to the Executive Director. If you are uncomfortable addressing the situation with the Executive Director, you should go to Human Resources.

Every report of perceived harassment or retaliation will be fully investigated and corrective action will be taken as appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed.

Any violation of this policy in the form of harassment or retaliation will not be tolerated and will result in disciplinary action, up to and including discharge, as appropriate.

## **TELEPHONE CALLS**

All telephone communications shall be in a friendly, courteous and helpful manner.

Personal calls for employees should not be placed or received on a contractual facility telephone except in cases of absolute necessity. Emergency calls received for staff members will have a message delivered as quickly as possible. Employees are prohibited from placing or receiving telephone calls on telephones in client rooms.

Long distance business telephone calls from contractual facilities may be charged to the corporate

office. Employees may call the corporate office on our 800# line for business purposes.

## **GRATUITIES**

Under no circumstances may an employee accept a gratuity, tip or borrow money from a contractual facility client, family member, visitor, vendor, or staff member at a facility. If a tip or gratuity is offered, the employee is to politely decline it. (Please see Corporate Compliance Policy)

## **SOLICITATION/NO DISTRIBUTION**

No employee shall solicit for any purpose or distribute literature of any kind on a contractual facility's property or on The Counseling Source, Inc.'s property during working time. Solicitation is not permitted at any time in client care areas. The distribution of literature by non-employees for any purpose is prohibited in working areas, even during non-working hours.

## **THEFT/OTHER EMPLOYEE OBLIGATIONS**

Every employee shall refrain from damaging or appropriating for any purpose the property of any client, guest, co-worker or the organization.

Every employee must comply with the requirements of the Client's Bill of Rights as enacted by the State of Ohio State law and the requirements of the contractual facility.

## **LOST AND FOUND**

It is our mutual responsibility to safeguard properties of the contractual facilities, clients, visitors, and employees. Since many people are in and out of facilities each day, the facilities cannot be responsible for personal articles lost or stolen that are not in the possession of the facility. If a personal article is lost or stolen, it should be reported to the Executive Director of the Counseling Source.

## **SUGGESTION SYSTEM**

How you view your working environment and the quality of the services we are providing for the clients is very important. Therefore, you are encouraged to submit directly to the Executive Director, at any time, suggestions to improve client care or add to the efficiency of operating the organization.

## **ELECTRONIC RESOURCES and EQUIPMENT**

The Counseling Source, Inc. provides technology and equipment to fulfill our mission. Our computers, voicemail, email, telephones, copy/fax/printers, and access to software, and the internet are examples of our Electronic Resources (ER) which are to be used only for The Counseling Source, Inc. purposes and

operations. Any individual making improper use of our ER as described below would be subject to corrective actions, and discipline up to dismissal.

Our ER may not be used for transmitting, retrieving, or storage of any communications of an illegal, discriminatory, threatening, or harassing nature or materials that are graphically violent, sexually explicit, pornographic or obscene. You are responsible for the content of your communications and must clearly identify yourself in each message. Occasional, limited personal use of these systems is permitted if the use does not interfere with employee work performance, does not negatively impact our operations or costs, and does not violate these policy guidelines. If you have a question or concern, ask The Counseling Source, Inc. Executive Director.

To prevent computer viruses, no one should download or copy any software onto The Counseling Source, Inc. computers without the prior approval of The Counseling Source, Inc.'s Executive Director. Software and work content created at The Counseling Source, Inc. or similar work content purchased from vendors for our use are subject to copyright protection, and shall not be copied or transmitted. We also strictly comply with License agreements related to software we use.

Employees should expect no privacy with regard to using our ER systems and expressly waive any right of privacy to anything they access, create, send or receive. The Counseling Source, Inc. reserves the right to review, audit, intercept, access, and disclose all data and documents within these systems and may block access to certain sites. If you observe misuse of our systems, please report your concerns to The Counseling Source, Inc. Executive Director.

Upon termination, all company provided equipment including computers, printers, and scanners must be returned to the Company.

## **COMPUTERS: SOCIAL MEDIA / INTERNET ACCESS**

Each employee has a computer with Internet access. Internet access can be a very valuable tool for staff members to use in the course of their work and we are pleased to be able to provide this service. However, if used inappropriately (i.g. going to inappropriate/non-business related websites) it can lower productivity and become costly for the Company. Therefore, the Internet is intended for business purposes and any personal use must be limited to lunch breaks or after work hours.

**Unacceptable use** of the internet by employees includes, but is not limited to:

- Access to sites that contain obscene, hateful, pornographic, unlawful, violent or otherwise illegal material.
- Sending or posting discriminatory, harassing, or threatening messages or images on the Internet or via Company network, equipment and/or services.
- Using company network and equipment to perpetrate any form of illegal activity.
- Stealing, using, or disclosing someone else's password without authorization.
- Sharing confidential material or proprietary information outside of the organization.
- "Hacking" into unauthorized websites.
- Introducing malicious software onto the Company's network and/or jeopardizing the security of the organization's electronic communications systems. This includes, but is not limited to a virus, worm, Trojan horse or trap door program code.
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities.
- Passing off personal views as representing those of the organization.

Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment as protected under the NLRB. Any question about what constitutes acceptable Internet usage should be directed to the Executive Director for further guidance and clarification.

## **COMPUTERS: BRING YOUR OWN DEVICE**

The company follows HIPAA requirements as it relates to non-TCS owned mobile devices. The purpose of the policy is to develop safeguards to protect the ePHI and other sensitive employee data on employee personally owned devices. Please see HPAA-44 Policy for details on the requirements regarding your own personal device use.

## **JOB RESPONSIBILITIES**

### **ORIENTATION**

In order to acquaint you with The Counseling Source, Inc., its philosophy and organizational structure and procedures, employee benefits of the organization, and your specific job, an orientation program is provided. The employee is expected to learn to perform within the standards established to insure the quality care the clients and facilities have a right to expect.

### **JOB DESCRIPTION**

Each employee has been hired into a position for which there typically exists a detailed job description. The job description is made available to the employee during orientation. A copy of the job description will be readily available upon request

### **EDUCATIONAL IN-SERVICE OPPORTUNITIES**

The Counseling Source, Inc. offers you the opportunity to continually educate yourself through ongoing educational in-service opportunities. In-service training and education is a continuing process to improve client care. The educational in-service opportunities pertain to the skills of your job and your ability to relate with and understand the elderly and other appropriate client populations are covered.

Educational In-service Opportunities are not mandatory, but employees are encouraged to attend.

## **OUTSIDE EMPLOYMENT**

Outside employment is permitted if it does not conflict with the interests of The Counseling Source, Inc. Outside employment should be discussed with the Executive Director prior to a TCS employee assuming the outside employment to ensure that there is not a conflict of interest.

## **ANNIVERSARY DATE**

All employees establish an Anniversary Date on the starting date of their employment or reemployment. This is the date that is used in determining eligibility for fringe benefits, which are related to length of service.

### **ADJUSTED ANNIVERSARY DATE**

This is the term that shall be used to indicate that an employee's Anniversary Date has been changed from his/her original date because of a non-medical and non-FMLA leave of absence. When the Anniversary Date is adjusted, this Adjusted Anniversary Date becomes the date that is used in computing eligibility for employee benefits and salary adjustments. Determination of the Adjusted Anniversary Date will be based on credit for time worked since the last Anniversary Date and the amount of time needed upon return to total a full year's service.

## **PERFORMANCE APPRAISALS**

Performance Appraisals are to be completed on each employee by their supervisor or mentor yearly during the first quarter of the new calendar year. Performance Appraisals are designed to assist employees to improve job performance. A copy of each performance appraisal will be kept in the employee's personnel file or stored electronically as appropriate based on the methodology of the evaluation process.

## **PROMOTIONS**

The Counseling Source, Inc. seeks to promote qualified employees from within the organization when consistent with business needs. Position openings will generally be communicated to employees via e-mail. Employees interested in applying for open positions should make written application to the Executive Director by the posted closing date. The Counseling Source, Inc. reserves the right to interview and hire outside the organization to obtain the most qualified person for any posted position.

## **DISCIPLINE AND DISCHARGE**

The Employee Code of Conduct, Corporate Compliance Plan and the HIPAA Privacy and Security Policies and Procedures outline employee expectations. Failure to comply with the Employee Code of Conduct, Corporate Compliance Plan and the HIPAA Privacy and Security Policies and Procedures may result in performance counseling and/or other actions up to and including immediate termination of employment. Please see "Employee Disciplinary Procedures" policy. The

Counseling Source reserves the right to discipline or terminate the employment of any employee for any reason it deems appropriate and consistent with business needs whether or not the infraction is specifically listed in any of the above policies or procedures.

### **NOTIFICATION OF CRIMINAL CHARGES AGAINST EMPLOYEE**

An employee must notify the Executive Director within 24 hours of any charge of any criminal offense that is brought against the employee that would prohibit them from work at a nursing home or school. Failure to notify the Executive Director within 24 hours of any charge of any of the listed crimes shall result in the immediate dismissal from employment. If the charge(s) results in a conviction, the employee shall notify the Executive Director within 24 hours of the conviction. Failure to notify the Executive Director of any conviction of any criminal offense shall result in the employee's immediate dismissal from employment. A review of each situation will be done to determine the appropriate course of action.

### **EXIT INTERVIEWS**

Terminating employees are expected to have an exit interview either in person or by phone with a company representative. One of the purposes of this interview is to make sure the reason for the employee's termination is not based on some misunderstanding or condition that could be remedied by either the employer or the worker. The Counseling Source, Inc. is also interested in obtaining any information that could lead to the improvement of working conditions and client care. At this time your personnel record will be reviewed for completeness and accuracy. During the exit interview, you will be given information concerning continuation of health insurance coverage (COBRA), if applicable. Your forwarding address will be recorded for future reference and for use in mailing your W-2 statement at the proper time. Whenever possible, the information obtained during the exit interview is used to promote improvements in services.

### **REHIRE**

If an employee who has left the employment of this organization is rehired within three (3) months following termination, then that employee will retain the initial date of hire for record as it relates to benefit administration.

### **CHANGE OF ADDRESS AND/OR TELEPHONE**

So that our records are always current, we ask that you punctually report to Human Resources any change in the information that was given on your employment application, such as change of address or telephone number. In addition, report any change in education status that may qualify you for advancement.

## **COMPENSATION / PAYROLL**



## **EMPLOYMENT CLASSIFICATION**

### **CLINICIANS**

EXEMPT Salaried Clinician: An individual Clinician works 40 hours per week on a regularly scheduled basis and meets the conditions for exempt status under the Fair Labor Standards Act.

A PER CLINICAL HOUR clinician is paid on an hourly basis for his or her direct client contact time and works fewer than 40 hours per week or works 40 hours per week and does not qualify for exempt status under the Fair Labor Standards Act. Employees in this status are eligible for overtime for hours worked over 40 in a workweek.

### **CLINICAL SUPERVISION**

Clinical Supervision will be provided for employees as per the requirements of Chapter 5122 of the Ohio Administrative Code, and as per professional licensure requirements.

### **NON-CLINICAL STAFF**

Each employee is designated as either “Exempt” or “Non-Exempt” according to federal and state wage and hour laws. “Exempt employees” are not subject to the minimum wage and overtime requirements of state and federal law. “Non-Exempt employees” are subject to the state and/or federal wage and hour laws and are paid at least the minimum wage and a premium for all overtime work.

### **REPORTING HOURS WORKED (Non-Exempt Employees)**

We understand that employees of the company may perform job duties using a variety of electronic communications depending on the nature of the work and responsibilities involved. Some of the required communication mediums might include cellphones, text messaging devices, computers and handheld computers / smartphones.

As with other types of authorized work, all time spent by nonexempt employees using electronic communications for work purposes will be considered hours worked; the time is compensable and will count toward overtime eligibility as required by law. Therefore, to avoid incurring unnecessary expenses, electronic communications should not be used outside regularly scheduled work hours unless required by management. This includes all types of work-related communication.

Nonexempt employees should not check for, read, send or respond to work-related e-mails outside their normal work schedules unless specifically authorized based on job duties or direction by management to do so. If time is worked outside of regular hours, the time should be recorded and paid.

### **OVERTIME**

For hourly and non-exempt employees, overtime pay at the rate of 1 and 1/2 times the normal rate of pay will be paid for any hours worked in excess of forty hours a week. Overtime pay is based on the hours worked. Paid time off, Holiday, Jury Duty and Bereavement time taken are not counted as hours worked when calculating overtime pay. All overtime must be approved by a

supervisor prior to the hours being worked.

## **BONUS**

The Counseling Source, Inc. generally provides for bonus opportunities for its employees. The Executive Director makes approval for the payment of bonuses, which are provided and paid at the full discretion of The Counseling Source and may be discontinued or withheld at any time.

## **PAY DEDUCTIONS**

Laws require The Counseling Source to take deductions from your pay for deductions such as federal, state and local taxes.

We may have to take a "pay setoff" from your paycheck. Pay setoffs mean that The Counseling Source must deduct money from your paycheck to pay off a debt that you owe us or someone else, usually due to a court order (garnishment) or IRS determination. We will notify you if we receive such a mandatory request or determination.

The Company may make deductions from an exempt employee's salary in the following special circumstances:

- when the employee is absent from work for one or more full days for personal reasons other than sickness or accident, beyond any such paid absences that are permitted under Company policy
- for absences of one or more full days because of sickness or disability if the deduction is made in accordance with the Company's bona fide plan or policy of the Company providing compensation for loss of salary occasioned by such sickness or disability
- for any hours not worked in the initial and final weeks of employment
- for hours taken as unpaid leave
- as an offset for amounts received by an employee for other situations including but not limited to military pay

It is your responsibility to review each paycheck for errors and to be sure the appropriate deductions are being taken. If you believe, for any reason, that an improper deduction has been made from your pay, the issue should be reported immediately to your Supervisor or Human Resources.

Reports of alleged improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made. The Company will not retaliate against any employee who brings a concern under this procedure.

## **BENEFITS**

A number of state-mandated benefits programs (such as workers' compensation insurance and unemployment compensation) cover all eligible employees in the manner prescribed by law.

The following benefit information serves only as a summary of the benefits that are currently available, 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 Handbook is issued. The Company may modify, amend, or terminate any benefit plan at any time or change Employees' premium contributions toward any benefits with or without advance notice at its discretion to the extent permitted by federal or state law.

Employees are eligible for benefit programs after they meet appropriate eligibility requirements and enrollment periods.

## **PAID TIME OFF**

The PTO system is a combined vacation and sick pay bank. Regardless of your need for time off, the hours will be deducted from this combined bank. This allows the employee to use his/her paid time off as he/she chooses. The company provides its full-time employees with Paid Time Off (PTO). Specific information regarding the amount of PTO available will be communicated to each individual employee. PTO may not be rolled over into the following year. Anytime not used by December 31 will be forfeited. Accrued, unused PTO is paid out upon termination if adequate notice is provided and/or the employee is not terminated for cause.

## **PAID HOLIDAYS**

The Counseling Source, Inc. recognizes six paid holidays for full time employees. The days include: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

## **LEAVES OF ABSENCE**

### **FMLA – FAMILY MEDICAL OR MILITARY LEAVE**

The Counseling Source, Inc. recognizes that there will be occasions when employees need to take a leave for reasons covered by the Family and Medical Leave Act of 1993 (FMLA). Eligible employees who have completed 12 months of service and worked at least 1,250 hours during the 12-month period preceding the commencement of FMLA leave will be entitled to take such leaves as described herein.

Up to 12 weeks of unpaid leave in a rolling 12-month period will be provided to an eligible employee for one or more of the following qualifying reasons:

- Leave following the birth or adoption of a child or placement of a child in foster care;
- The care of the employee's spouse, son, daughter or parent who has a "serious health condition";
- A serious health condition that makes the employee unable to perform his/her job;
- Qualifying exigencies arising out of the fact that the employee's spouse, child, or parent is on active duty or called to active duty status as a member of the Armed Services,

including the National Guard or Reserves.

Eligible employees can take up to 26 weeks of FMLA leave during a single 12 month period to care for a "covered service member," which means an individual or recent veteran who suffered an injury or illness in the line of duty while on active duty in the Armed Forces, provided the injury or illness prevents the covered service member from performing the duties of the member's office, grade, rank and rating. The eligible employee must be the spouse, son, daughter, parent, or next of kin of the covered service member in order to take leave.

Whenever foreseeable, an employee must provide at least 30 days' advance notice before taking an FMLA leave. Failure to give the required notice may result in denial of leave until 30 days after appropriate notice is given.

Medical certification will be required whenever an employee is requesting an FMLA leave because of the employee's, or a spouse, parent, or child's, serious health condition. Medical certification must be completed by a healthcare provider using the form provided by The Counseling Source. Certification must be provided prior to an employee's leave, and no later than 15 days after an FMLA leave request. Failure to provide the required certification may result in denial of leave. At its expense, The Counseling Source may require a second (and possibly third) healthcare provider's opinion certifying the existence of a serious health condition. Recertification may be required at 30-day intervals, or more frequently in the event of a change of circumstances.

Employees on FMLA leave will be required periodically to report on their status and intent to return from leave.

Intermittent or reduced schedule FMLA leave will be permitted only where medically necessary. The Counseling Source temporarily may alter the position of an employee on such leave, or may require an employee on such leave to transfer temporarily to an alternative position, in order to better accommodate an employee's need for such leave.

While on FMLA leave, employees may not engage in other employment or work of any kind.

Accrued vacation, workers' compensation, and other paid leaves will be substituted for and applied toward any FMLA-qualified leave. Deductions for any hours of unpaid intermittent or reduced schedule FMLA leave may be made from the salaries of exempt employees.

While on FMLA leave, employees will be required to continue paying their portion of health insurance premiums. If the FMLA leave is substituted paid leave (e.g., PTO is being used), premiums will be deducted as usual. If the FMLA leave is unpaid, the employee must remit payment by the 10<sup>th</sup> of each month. If an employee fails to return from an unpaid FMLA leave for reasons other than a serious health condition or circumstances beyond the employee's control, the employee will be indebted to The Counseling Source for the amount of premiums paid by The Counseling Source to continue the employee's health (and any other) insurance coverage during the leave.

Before being restored to employment, an employee who has taken FMLA leave that was in part attributable to the employee's serious health condition must submit to The Counseling Source a

medical certificate that the employee is fit for duty.

Employees returning from FMLA leave will be reinstated to their former, or an equivalent, position.

### **NON-FMLA MEDICAL LEAVE**

There may be circumstances in which (1) an employee may need continued medical leave for his or her own serious health condition lasting longer than the 12 weeks provided by the FMLA; or (2) an employee may need medical leave but is not eligible for FMLA leave. Requests for such medical leave must be submitted as soon as possible and shall be addressed on a case-by-case basis.

The employment of employees who do not return to work after the exhaustion of their FMLA entitlement who have not requested a leave extension are considered terminated. Employees who are not approved for any non-FMLA leave will also be terminated.

INSURANCE BENEFITS. Company benefits, if applicable, are maintained for employees while they are on FMLA or an approved non-FMLA medical leave up to a maximum of 12 weeks. During the continuation of benefits, employees will still be responsible for payment of their portion of the premium during such leave. Employees seeking to extend their insurance coverage after the 12 weeks of provided coverage must do so by electing COBRA continuation coverage and paying the full amount of the premium.

### **MILITARY LEAVE OF ABSENCE**

A military leave of absence will be granted by the Company to Employees who are absent from work because of service in the United States uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance written notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all other applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continually employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Military Reserves and Training: Employees who are members of a military reserve unit will be granted a leave of absence to participate in annual training.

## **OTHER LEAVES OF ABSENCE**

It is the policy of The Counseling Source, Inc. to grant or initiate a leave of absence when business needs permit to full and part time employees who need to be absent from work for twenty (20) days or more of consecutively scheduled working days because of an uncontrolled demand for their time. These leaves of absence are available without pay (except to the extent PTO is utilized) for non-medical reasons. A request for a leave of absence must be made to your supervisor in writing as soon as the need for a leave is known. The request should state the reason for and the duration of the leave.

Upon approval, leaves of absence can be taken for up to twelve weeks with extensions of the originally requested period considered and granted only upon written request. You should understand that your position might have to be filled during your absence. However, when you are ready to return, you will be offered the first open position of like classification and pay. The individual on leave neither receives pay (except to the extent available PTO is utilized) nor does he/she accrue any benefits during the time of the leave. Benefits earned prior to the leave will remain to his/her credit and become active upon return to employment. The employee's anniversary date will be adjusted by the amount of leave of absence exceeding more than one month. While on an approved leave of absence, the company will continue to provide insurance benefits for a maximum of twelve weeks. At the conclusion of twelve weeks, the individual will be eligible for COBRA.

## **LEAVE LAWS**

The following outlines a variety of state provided leaves for employees. Discuss your situation with Human Resources to determine which leaves are available to you and the best for your circumstance.

### **CRIME VICTIM LEAVE**

An employee who is the victim of a crime, victim's representative, or the immediate family member of a crime victim, and misses work at the prosecutor's request in preparation for a criminal or delinquency hearing, or in response to a subpoena, will be granted leave without pay for such time as it is necessary to comply with the request. The Company may request proof of the need for leave.

### **ELECTION OFFICIAL LEAVE**

If an employee is a precinct election official, the employee will be provided unpaid leave for registration and/or Election Day in order to perform the duties of the position to which they have been appointed. Proper documentation of the appointment and the dates of the required service should be furnished to the Company by the employee at least seven days before the expected absence. Exempt employees will be paid in accordance with the Fair Labor Standards Act (FLSA) requirements.

### **WITNESS LEAVE**

If an employee is absent from work to serve as a witness in response to a criminal, delinquency, or grand jury proceeding, or appears with a child in court as a parent or guardian, the employee will be granted a witness leave without pay for such time as it is necessary to comply with the request.

The Company may request proof of the need for leave.

#### **VOTING LEAVE**

If an employee cannot vote because of their scheduled work hours, then the employee will be given a reasonable amount of unpaid time off to vote in any state or federal election. Exempt employees will be paid in accordance with the Fair Labor Standards Act.

#### **VOLUNTEER EMERGENCY RESPONDER LEAVE**

If you are a volunteer firefighter or a volunteer provider of emergency medical services, and miss any work because you responded to an emergency prior to reporting to work, you will be granted such time as unpaid leave, unless otherwise required by law. You must make every effort possible to provide notice to your manager prior to the beginning of your work shift if you will be late or absent from work because of being dispatched to an emergency. If advance notification is not possible, you must provide your manager with a written explanation from the chief of the volunteer fire department or the director of the EMS service. To qualify for this type of leave, an employee must submit written notification to the Company no later than 30 days after being certified as a volunteer firefighter or a volunteer emergency services provider.

#### **JURY DUTY**

The Counseling Source, Inc. recognizes a citizen's obligations to serve on a jury and therefore permits employees to take time off without pay and without loss of benefit status to the extent necessary to meet the obligation. Please provide a copy of your jury summons to your Supervisor and Human Resources.

#### **INSURANCE**

The Counseling Source, Inc. provides opportunities for eligible employees, to obtain Health, Life, Dental, Life and Disability Insurance through the company's group policies. If you choose to waive our medical insurance at the beginning of or any time during your employment, you may or may not be readmitted to the plan, depending upon the eligibility rules as outlined in the plan documents. The Counseling Source reserves the right to change or discontinue any employee benefits at any time.

#### **EXPENSE REIMBURSEMENT**

Business-related Expenses. Membership Dues and Educational Assistance - The Counseling Source, Inc. will reimburse qualifying employees for legitimate business expenses on a monthly basis. These expenses include business travel, approved purchases made by an employee, and approved long distance phone calls. Mileage is recorded on the employee's weekly time card. Other expenses must be sent to the corporate office, with appropriate receipts attached, by the tenth day of the following month. Reimbursement checks will then be issued and mailed to the employee within fifteen days. Please see "Expense Reimbursement" policy.

#### **LACTATION/BREASTFEEDING BREAKS**

Nursing mothers will be provided reasonable break time to express milk and/or breastfeed. Human Resources will work with each nursing mother to determine a private area in which she may express milk and/or breastfeed at their worksite. Employees wishing to express milk and/or breastfeed at the workplace are encouraged to provide Human Resources with as much notice as possible to allow the opportunity to establish appropriate locations.

## **SAFETY AND HEALTH**

### **SAFETY WITHIN CONTRACTUAL FACILITIES**

You are required to cooperate in helping to prevent injury to yourself, other employees, clients and visitors by observing the following general rules:

- Know the fire plan, disaster plan and hazardous weather plans (such as tornados) of your assigned contractual facilities.
- Avoid accidents by elimination of hazards.
- Report unsafe conditions to your contractual facility representative immediately such as:
  - Wet or slippery floors.
  - Defective equipment.
  - Careless handling of equipment.
  - Use of combustible material near open flame.
  - Broken furniture, broken glass, etc.
  - Never operate electrical equipment with wet hands.
- Always be safety conscious:
  - Clients receiving oxygen are not allowed any electrical appliances such as heating pads, etc.
  - Electrical fans and other electrical appliances are to be safely located so that they will not be tipped over.
  - When pushing wheelchairs, always use added care when approaching corridor intersections.
- Where instructions have been issued for care and exposure to contagious and infectious disease, such instructions must be followed rigidly, especially if you have contact with clients and visitors.

All on-duty injuries or accidents must be reported immediately to the contractual facility representative and your supervisor (or corporate office), that will complete the necessary accident report and take the necessary action. All employees are advised to use every precaution to avoid accidents.

### **ALCOHOLIC BEVERAGES AND DRUGS**



No employee is to, possess, consume or be under the influence of any illegal drugs, controlled substances without legal use of a prescription, and/or alcoholic beverages while servicing any of The Counseling Source, Inc.'s contracts. Employees should not, under any circumstances, purchase alcoholic beverages or drugs for clients. Any employee may be required to submit to drug and alcohol screening tests at any time for reasonable suspicion. Refusal to submit to a test will be considered a “positive” test and discipline will result.

Employee use of storage areas provided by the company or contractual facilities (including closets, lockers, desks, and filing cabinets) is conditioned on the right of management to inspect these areas at any time for any reason. Similarly, any personal property brought to work (including brief cases, backpacks, purses, automobiles, and the like) is subject to inspection by management at any time for any reason.

## **SMOKING**

Smoke may cause violent distress to clients, staff and visitors. Follow contractual facility rules for smoking. Where permitted, please use restraint and good judgment in the areas in which you smoke. Smoking is prohibited except in designated areas for employees. Your consideration of others is requested. You are requested to keep smoking areas clean.

## **WEAPONS**

Despite some state laws that allow people to carry firearms in public, The Counseling Source prohibits anyone from possessing or carrying weapons of any kind on company property (except personal cars) while on company time. This prohibition against weapons includes:

- Any form of weapon or explosive;
- All firearms; and
- All illegal knives or knives with blades that are more than six (6) inches in length.

If an employee is unsure whether an item is covered by this policy, please contact Human Resources. Employees are responsible for making sure that any item they possess is not prohibited by this policy.

If an exception to this policy is requested by the employee or the facility with which they serve, they must contact the Executive Director for discussion.

## **VIOLENCE OR THREAT OF VIOLENCE**

Physical violence against another employee or person on Company property or in the course of company business is prohibited. Also prohibited is making a threat of violence, directly, indirectly, or implied, whether in person, in writing or by telephone, against the Company, its employees, or other persons. This may include threats that occur off Company property and during non-work hours. Employees found to have committed violence or threatened violence will be subject to disciplinary action, up to and including termination of employment.

The Counseling Source, Inc. will promptly investigate all reports of threats of (or actual) violence and of suspicious individuals and activities. The identity of the individual making the report will be protected as much as is practical.

The Counseling Source, Inc. encourages employees to bring their disputes or differences with other employees or non-employees to the attention of their manager or a member of management before the situation escalates. The Counseling Source, Inc. is eager to assist in the resolution of these disputes.

### **WORKER'S COMPENSATION**

Employees who are injured on the job at The Counseling Source, Inc. are covered by Worker's Compensation Insurance. It is your responsibility to immediately notify the Executive Director of any injuries you sustain while on the job at The Counseling Source, Inc.

We encourage injured employees to seek immediate medical attention. All medical expenses related to the treatment of an injury, sustained on the job, are paid in full direct to the medical providers. After a specified waiting period, you are also eligible for disability payments set forth by state law, where necessary.

## **THE COUNSELING SOURCE, INC. FALSE CLAIMS/FRAUD AND ABUSE POLICY**

This Policy was adopted in order to comply with section 6032 of the Deficit Reduction Act of 2005 ("DRA") entitled "Employee Education About False Claims Recovery," as well as applicable provisions of the Patient Protection Affordable Care Act and Ohio laws. The Policy may be updated from time to time. The Policy covers discussions of the following:

1. Federal False Claims Act
2. Federal Civil and Criminal Penalties and Administrative Remedies
3. Ohio Laws Pertaining to Civil or Criminal Penalties for False Claims and Statements
4. Federal and State "Qui Tam" or "Whistleblower" Protections
5. The Counseling Source Programs to Prevent and Detect Fraud, Waste, and Abuse

This Policy is designed to help employees, agents and contractors of The Counseling Source, Inc. ("The Counseling Source") and its related entities understand the provisions of the federal and state laws regarding the submission of false claims to the federal and/or state governments for reimbursement and to inform such employees, agents and contractors of their rights to report violations of such federal and state laws.

Policy:

This Policy will provide information to our employees, agents and contractors regarding both the federal and state false claims laws as well as protections available for those who report violations

of these laws. The Policy will also reference The Counseling Source's policies and procedures for detecting and preventing the submission of false claims. It is important that all Counseling Source employees, agents, and contractors understand the provisions of these laws and how The Counseling Source strives to comply with such laws.

1. False Claims Act (31 U.S.C. §§ 3729-3733)

The False Claims Act is a federal statute that imposes civil liability for fraud involving any federally funded government program, such as Medicare or Medicaid. The federal government may bring a lawsuit under the False Claims Act against any person or entity whom it believes has knowingly presented, or caused to be presented, a false or fraudulent request for payment from the federal government, or who has made a false statement or used a false record to get a claim for such payment approved. Such false or fraudulent claims can include everything from documenting false information in a client's medical record to using improper codes when submitting a bill to Medicaid or Medicare. A "claim" is defined as any request or demand for money that is submitted to the United States Government (including through submissions to a contractor or grantee of the federal government). In the health care context, such a claim is typically in the form of a bill or claim form submitted to Medicare, Medicaid, or another government health program for services provided or items furnished.

The False Claims Act defines "knowingly" to mean that a person must (1) have actual knowledge of the falsity of the information in the claim, (2) act in deliberate ignorance of the truth or falsity of the information in the claim, or (3) act in reckless disregard of the truth or falsity of the information in a claim. However, the False Claims Act does not require proof of a specific intent to defraud the government as health care providers are expected to know and understand the rules regarding the submission of claims.

Thus, health care providers can be prosecuted under the False Claims Act for engaging in a wide variety of acts such as entering false information into a client's medical record, submitting bills to Medicare, Medicaid or any other federal government program for services never performed or items never furnished, or using improper billing codes when submitting a bill to Medicare, Medicaid, or any other federal government program.

2. Federal Civil and Criminal Penalties and Administrative Remedies

a. *False Claims Act Civil Penalties (31 U.S.C. § 3729)*

Persons or organizations who violate the False Claims Act can be subject to civil penalties ranging from \$5,000 to \$10,000 (\$5,500 to \$11,000 for violations occurring after September 29, 1999) for each false claim submitted, plus three times the amount of damages sustained by the federal government.

Any person may bring a qui tam action under the Federal False Claims Act in the name of the United States in federal court. The case is initiated by filing the complaint; the complaint remains under seal for at least 60 days, and will not be served on the defendant. During this time, the government investigates the complaint and gathers additional evidence as necessary to determine if it wishes to pursue the case. If the government decides not to pursue the case, the person who filed the action has the right to continue with the case on his or her own. If the government

proceeds with the case, the person who filed the action can receive a percentage of any monetary recovery, depending upon the contribution of that person to the prosecution of the case.

b. *Program Fraud and Civil Remedies Act of 1986 ("PFCRA ") (31 U.S.C. §§ 3801- 3812)*

The PFCRA provides an administrative remedy against any person who makes a claim or written statement to any federal agency that the person knows or has reason to know is false, fictitious, or fraudulent. The penalties are imposed on any person (defined to include individuals, corporations and private organizations) who, (1) submits a false, fictitious or fraudulent claim, (2) includes a false statement of material fact, (3) omits a material fact, or (4) makes a claim for property or services that were not provided as claimed. The term "knows or has reason to know" is defined in the PFCRA as having actual knowledge of the information, acting in deliberate ignorance of the truth or falsity of the information, or acting in reckless disregard of the truth or falsity of the information. No proof of specific intent to defraud is required.

The PFCRA provides for civil monetary penalties of up to \$5,500 per claim for each false claim submitted to a federal agency and an assessment of no more than twice the amount of the claim.

c. *Civil Monetary Penalties Law ("CMPL ") (42 U.S.C. § 1320a-7a)*

The CMPL provides for civil monetary penalties for a variety of prohibited acts including: (1) presenting a claim to a federal or state officer, employee or agency the person knows or should know was not provided as claimed (including up coming claims) or is false or fraudulent, or (2) seeking payment for medical or other items and services the person knows or should know are not medically necessary. CMPL penalties may also be assessed against providers who submit bills for services performed by individuals not licensed or excluded from federal or state health care programs, violate the federal anti-kickback statute (42 U.S.C. § 1320a-7b(b)), or violate the federal Physician Self-Referral Law (42 U.S.C. § 13951111). The amount of the CMPL penalty depends upon the type of violation. Up to \$10,000 may be imposed for false or fraudulent claims as well as an assessment of up to three times the amount improperly claimed.

d. *Criminal Penalties (42 U.S.C. § 1320a-7b)*

There are also specific federal criminal penalties for fraudulent and abusive activities, including: (1) making a false statement of a material fact in any application for benefits or payment under a federal health care program, (2) soliciting or receiving any payments for referring someone for a service or item reimbursable by a federal health care program, and (3) charging or accepting payment in excess of allowable Medicare rates. In general, such activities may be punishable as felonies by fines of up to \$25,000 or imprisonment for not more than five years, or both.

3. *Exclusion from Participation in Federal Health Care Programs (42 U.S.C. § 1320a-7)*

Activities that are subject to criminal or CMPL sanctions may also be subject to mandatory or permissive exclusion from participation in federal health care programs. If a health care organization such as The Counseling Source or an individual health care provider is convicted of a criminal false claims violation, the federal government may seek to exclude that organization or individual from participation in the federal health care programs such as Medicare or Medicaid.

#### 4. Ohio Laws Pertaining to Civil or Criminal Penalties for False Claim and Statements

##### a. *Ohio Medicaid Fraud Law (Ohio Rev. Code Ann. § 2913.40)*

Ohio law makes it illegal for a person to knowingly make or cause to be made a false or misleading statement or representation in order to obtain reimbursement from the Medicaid program. Ohio law also makes it illegal for any person to knowingly alter, falsify, destroy, conceal or remove any records necessary to disclose the nature of goods or services for which a claim was submitted to the Medicaid program within six years of submitting a claim for reimbursement. It is also illegal to knowingly alter, falsify, destroy, conceal or remove any records necessary to disclose all income and expenditures upon which rates of reimbursements were based within six years of submitting a claim for reimbursement.

Ohio law also makes it illegal for any person to charge, solicit, accept or receive any property, money or other consideration in exchange for goods or services provided under the Medicaid program with the purpose of committing fraud or knowing that the person is facilitating a fraud.

Violation of the Medicaid Fraud Law is a first degree misdemeanor. However, if Medicaid services are provided as a result of the violation, a violation may become a felony, the level of which depends on the amount of money paid as a result of the violation. For violations resulting in services between \$1,000 and \$7,500 in value, the violation is considered a fifth degree felony. If the value of the services is between \$7,500 and \$150,000, the violation is considered a fourth degree felony. If the value of the services is \$150,000 or greater, the violation is a third degree felony.

The government agency can also request that a person found guilty of Medicaid Fraud pay the cost of investigating and prosecuting the case.

##### b. *Ohio Medicaid Eligibility Fraud (Ohio Rev. Code Ann. §2913.401)*

Under Ohio Law, it is a criminal act for any person to knowingly do any of the following when completing an enrollment application for the Ohio Medicaid program or in any disclosure of assets used to determine a person's eligibility to participate in the Ohio Medicaid program:

(1) make or cause to be made any false or misleading statement; (2) conceal a person's right or interest in property; (3) not disclose any transfer of property that occurred in the 36 months before the application or disclosure was submitted; or (4) not disclose any transfer of property to certain specified trusts that occurred in the 60 months before the application or disclosure was submitted. A person who fully discloses all of the applicant's interests in property, transfers of such property, and the circumstances of those transfers.

A violation of the Ohio Medicaid Eligibility Fraud statute can constitute a first degree misdemeanor, a fifth degree felony, or a fourth degree felony, depending on the value of Medicaid services rendered as a result of the fraud. A person who violates the Ohio Medicaid Eligibility Fraud statute must also repay all moneys to Medicaid that were paid on their behalf, including interest.

##### c. *Ohio False Claims Law (Ohio Rev. Code Ann. § 5164.35)*

Ohio law prohibits a provider from using deception to obtain or attempt to obtain payments under the Medicaid program to which the provider is not entitled. The law also prohibits providers from willfully receiving payments to which the provider is not entitled, willfully receiving payment greater than that to which the provider is entitled, or falsifying any reports or documents required by state or federal law or the provider agreement relating to Medicaid payments.

Deception is defined under the statute as acting with actual knowledge of the representation or information involved, acting in deliberate ignorance of the truth or falsity of the representation or information involved, or acting in reckless disregard of the truth or falsity of the representation or information involved such that another is deceived by the information or is prevented from acquiring information. Deception includes any conduct, act or omission that creates, confirms or perpetuates a false impression of another

Violation of the Ohio Law can result in required reimbursement of up to three times the amount of excess payments plus interest, payment of between \$5,000 and \$10,000 per deceptive claim or falsification, and all reasonable expenses incurred by the state in enforcement of the law. The Medicaid Director will also terminate the provider's provider agreement and stop payment to the provider for Medicaid services rendered from the date of conviction, although a nursing facility may continue to receive Medicaid payments for up to thirty days after the date of termination if the provider makes reasonable efforts to transfer its Medicaid patients to another facility. The provider will also be excluded from participation in the Medicaid program.

A provider will not be terminated if the provider can demonstrate that it did not directly or indirectly sanction the action of its authorized agent, associate, manager or employee that resulted in the conviction.

cl. *Ohio Perjury Law (Ohio Rev. Code Ann. § 2921.13)*

Ohio law prohibits a person from knowingly making a false statement or knowingly swearing or affirming the truth of a false statement previously made for the purpose of securing a provider agreement. Ohio law also prohibits a person from knowingly making a false statement or knowingly swearing or affirming the truth of a false statement previously made if the statement is in writing on or in connection with a report, return, account, form or other writing that is required by law.

A violation of this law is a misdemeanor in the first degree. If the violation leads to the violator inappropriately receiving property, the violation may rise to a felony, the level of which depends on the value of the property obtained. If the value of the property which is received is between \$1,000 and \$7,500, the offense is a fifth degree felony. If the value of the services is between \$7,500 and \$150,000, the offense is a fourth degree felony. If the value of the services is \$150,000 or more, the offense is a third degree felony.

The violator is also liable in a civil action to those harmed for the violation and for reasonable attorney's fees, court costs and other expenses incurred as the result of prosecuting such a civil action.

5. State and Federal "Qui Tam" or "Whistleblower" Protections

a. *Federal Whistleblower Protections (31 U.S.C. § 3730)*

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act includes a whistleblower provision that offers incentives and protections for persons who report such misconduct (such a person is referred to as a whistleblower). "Whistleblowing" is generally defined as the disclosure by a person, usually an employee in a government agency or private enterprise, to the public or to those in authority, of mismanagement, corruption, illegality, or some other wrongdoing.

In general, this provision allows any person who knows about the submission of false claims to the government (such as to Medicare or Medicaid) to bring forth a lawsuit for a violation of the False Claims Act on behalf of the federal government. The lawsuit will be filed "under seal" which means that the lawsuit is kept confidential while the federal government investigates the allegation and decides how to proceed. After reviewing the allegations, the government may decide to proceed with and take over the lawsuit, or it may decline to take over the lawsuit, at which time the whistleblower can continue with the action on his or her own (referred to as a "qui tam" action). If the case is successful, the whistleblower may, depending on his or her involvement in the case, receive a percent of the amount recovered by the federal government.

The False Claims Act contains a provision to protect whistleblowers from retaliation by their employers. [f a whistleblower is fired, demoted, suspended, threatened, harassed or in any way discriminated against in the terms and conditions of his/her employment by his/her employer for involvement in a False Claims Act action such as filing a lawsuit under the False Claims Act or assisting in the investigation of a False Claims Act action, the whistleblower is entitled to all relief required to make him/her whole. Such relief can include reinstatement with the same seniority status he/she had before the discrimination, double back pay, interest on the back pay and compensation for special damages sustained as a result of the discriminatory treatment, including reasonable attorney fees and litigation costs.

b. *Ohio Whistleblower Protection Law (Ohio Rev. Code Ann. §§ 4113.51-4113.52)*

Ohio law provides protection against retaliation for employees who report alleged wrongdoing by employers. However, employees must reasonably believe the violation is a criminal offense, must make a reasonable good faith effort to determine the accuracy of his/her information, and must first orally notify the employee's supervisor or a responsible officer of the employer of the violation and file a written report of the alleged violation with the same supervisor. If the employer does not correct the violation or make a reasonable good faith effort to correct the violation within twenty-four hours of the oral notification or receipt of the report, the employee may file a written report with the proper authorities. If the employee has followed this process, he/she is protected from disciplinary or retaliatory action by the employer.

6. **Counseling Source Programs to Prevent and Detect Fraud, Waste, and Abuse**

Counseling Source employees have an obligation to familiarize themselves with and to adhere to all applicable federal and state laws and regulations that apply to the delivery and reimbursement of services provided by The Counseling Source. The Counseling Source has adopted a Corporate Compliance Program, including a Code of Conduct, in 311 effort to assure compliance with federal and state laws and as part of its commitment to maintaining the highest levels of professional and ethical conduct in delivery quality services to its patients. To review The Counseling Source's policies adopted to detect and prevent fraud, waste and abuse. You may obtain a copy of the Code of Conduct through the company internet site for employees or upon request to the Compliance Officer.

The Counseling Source also has an appointed Compliance Officer and a specially appointed Compliance Committee within the corporate management team to oversee and monitor implementation and operation of the Compliance Program. The Compliance Officer reports directly to the Executive Director and submits routine reports on compliance issues



directly to the Board of Directors.

All employees/agents must help create a culture within The Counseling Source that promotes the highest standards of ethics and compliance, and which encourages everyone in The Counseling Source to address concerns when they arise, consistent with policy and procedure. Where any question or uncertainty regarding such requirements exists, you should contact your supervisor or The Counseling Source's Compliance Committee with any questions. Employees, contractors, and agents are also obligated to promptly report any actual or potential wrongdoing observed as provided in The Counseling Source Compliance Plan.

As stated in The Counseling Source Code of Conduct, The Counseling Source is committed to ethical, honest billing practices and expects every team member (including employees, officers, directors, independent contractors, subcontractors, and vendors) to be vigilant in maintaining these standards at all times. The Counseling Source will not tolerate any deliberately false or inaccurate billing. Any person who knowingly submits a false claim or provides information that may contribute to submitting a false claim such as falsified clinical documentation to any payor, public or private, is subject to termination. This standard applies to and will be made available to any Counseling Source contractors or agents who, on behalf of The Counseling Source furnish, or otherwise authorize the furnishing of Medicaid health care items or services, perform billing or coding functions, or are involved in monitoring of services provided by The Counseling Source.

The Counseling Source is committed to educating its employees and agents regarding their compliance obligations by providing training on compliance requirements, The Counseling Source's compliance policies, and protection from retaliation for persons who report potential compliance violations.

The Counseling Source is also committed to investigating potential compliance violations that are reported to it by employees, former employees, patients, family members or visitors, or that are discovered through routine audits or risk assessments. The Counseling Source provides that persons who report potential compliance violations may remain anonymous, to the extent possible to allow an appropriate investigation. The Counseling Source also conducts routine audits, monitors higher risk areas, and performs background checks and screening of new employees.

## Handbook Acknowledgement of Receipt

I acknowledge that I have received a copy of the Employee Handbook, which provides guidelines on the policies, procedures, and programs affecting my employment with The Counseling Source.

I further understand and agree that my employment with The Counseling Source is at will and may be terminated by me or by The Counseling Source at any time for any reason or without reason, and that nothing in this Employee Handbook or in any oral statement or representation by any employee or representative of The Counseling Source shall be deemed to create a contract of employment, express or implied, or any other modification of the at-will employment relationship unless it is in writing, signed and dated by the employee and the Executive Director.

I understand that this Employee Handbook is not a contract, express or implied. I understand and agree that this revised version of The Counseling Source's handbook supersedes all prior The Counseling Source handbooks and any unwritten policies prior to the effective date of this revision.

I acknowledge that no supervisor, manager or other representative of The Counseling Source has the authority to make any verbal promises, commitment, or other statements of any kind regarding the Company's policies, procedures, or any other issues that are legally binding on The Counseling Source.

I understand that it is my responsibility to seek the most updated revision of the employee handbook and if I have any questions and/or need clarification for items addressed in the handbook, it is my responsibility to contact the Human Resources office to discuss. I also understand that any or all of the provisions contained in this Employee Handbook may be modified, amended, or eliminated by The Counseling Source at any time with or without notice.

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date