

SECTION V: Anti-Discrimination and False Claims Laws



REASONABLE ACCOMMODATION

HOSPITALITY HOUSE is committed to providing equal employment opportunities to qualified individuals with disabilities and complies with the Americans with Disabilities Act (the “ADA”), as amended by the ADA Amendments Act, and all applicable state or local law. Consistent with those requirements and in furtherance of its mission and commitment to an inclusive workplace, HOSPITALITY HOUSE will reasonably accommodate qualified individuals with a disability if such reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship.

HOSPITALITY HOUSE expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith. Please refer to the Anti-Retaliation Policy within this Handbook for additional information about reporting harassment, discrimination, or retaliation.

Request Process

Individuals who believe they need an accommodation because of their disability should refer their accommodation request to their direct Supervisor. Requests may be oral or written, but individuals are encouraged to make requests in writing and to include any relevant information such as:

- a description of the accommodation requested;
- the reason for needing an accommodation; and
- how the accommodation will help with the performance of the essential functions of the job.

After receiving the accommodation request, the individual’s direct Supervisor will engage in an interactive dialogue with the individual to determine the limitations of the individual’s disability and to explore potential reasonable accommodations that could overcome those limitations and enable the individual to perform their essential job functions. Individuals are encouraged to suggest specific reasonable accommodations that they believe would fulfill their needs. However, HOSPITALITY HOUSE is not required to adopt the specific accommodation requested by the individual and may provide an alternate effective accommodation, to the extent that any reasonable accommodation can be made without imposing an undue hardship on HOSPITALITY HOUSE.

After engaging in the interactive process described above, the individual’s direct Supervisor will then refer the accommodation request to the Executive Director for final approval. Reasonable accommodation determinations will be made on a case-by-case basis. HOSPITALITY HOUSE strives to make determinations as quickly as possible and will inform individuals once a final determination has been made. Any questions should be directed to the individual’s direct Supervisor.

Medical Information

If an individual's disability or need for accommodation is not obvious, HOSPITALITY HOUSE may ask the individual to provide supporting documents illustrating the individual's need for a reasonable accommodation. In those cases, if the individual fails to provide the requested information, the individual's request for a reasonable accommodation may be denied.

HOSPITALITY HOUSE will keep confidential any medical information obtained in connection with the individual's request for a reasonable accommodation.

ANTI-HARASSMENT POLICY

HOSPITALITY HOUSE strictly prohibits and does not tolerate harassment by an employee of another employee, a program participant, or other covered person, including a volunteer, intern, or visitor (“covered persons”). Harassment is any unwanted attention or action prohibited by law by someone in the workplace or by a participant that creates an intimidating, hostile, violent, or offensive work environment. Such harassment may include, but is not limited to, the following:

- verbal harassment (for example, derogatory statements);
- physical harassment (for example, assault or inappropriate physical contact);
- sexual harassment;
- visual harassment (for example, making derogatory gestures);
- online harassment (for example, posting derogatory content on any social media platform); and
- other forms of bullying or harassment.

The preceding list is illustrative only and not exhaustive. No form of harassment will be tolerated.

Activities constituting harassment toward covered persons are not only prohibited during work hours and on HOSPITALITY HOUSE's premises, but are also prohibited and will not be tolerated when the offending employee is not working nor on the premises.

HOSPITALITY HOUSE's anti-harassment policy applies equally to harassment based on a covered person's race, color, religion, creed, national origin or ancestry, ethnicity, citizenship, sex (including pregnancy), affectional orientation, gender and gender identity, political affiliation, status with regard to public assistance, disability, age, genetic information, service in the uniformed services, and any other characteristic protected under applicable federal, state, or local law.

HOSPITALITY HOUSE is committed to enforcing this policy against all forms of harassment. HOSPITALITY HOUSE encourages the reporting of all perceived incidents of harassment, regardless of the offender's identity or position. If a covered person believes that they or someone else may have been subjected to conduct that violates this policy and/or the Handbook, they should consult the following procedure:

- If a person's behavior makes an employee, participant, or other covered person uncomfortable, the covered person to whom the improper behavior is directed, or

an employee who witnesses improper behavior toward a covered person, should feel free to immediately advise the person that, in the covered person's opinion, the behavior is inappropriate and that the behavior should stop. The covered person to whom the improper behavior is directed, or an employee who witnesses the improper behavior toward a covered person, must report the offensive behavior to a supervisor or the Executive Director.

- If the covered person is not comfortable discussing the issue with the person initiating the behavior, or if the person fails to respect the request to stop the behavior, the covered person must nevertheless report the incident to his or her Supervisor, case manager, Volunteer Coordinator, or the Executive Director.

In all instances, the Executive Director or designee shall conduct a prompt, thorough, and fair investigation, giving careful consideration to protect the rights and dignity of all people involved. The Executive Director may take any steps deemed necessary to resolve the problem, which may include verbal or written reprimand, suspension, or termination.

Because participants of HOSPITALITY HOUSE are often experiencing extreme difficulties when they solicit assistance from HOSPITALITY HOUSE and may be in positions of vulnerability which make them particularly susceptible to inappropriate actions by employees, romantic or sexual relations between an employee and a participant are strictly prohibited and will result in immediate termination.

ANTI-RETALIATION POLICY

HOSPITALITY HOUSE strictly prohibits any form of unlawful retaliation against an employee by an employer. Retaliation occurs when an employer takes an adverse action against an employee because the employee engaged in protected activity. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for participating in a protected activity.

Examples of protected activities include, but are not limited to, the following:

- internal or external good faith reporting of incidents of unlawful harassment, unlawful discrimination, or suspected harassment or discrimination;
- participating in an internal investigation into allegations of harassment or discrimination; and
- supporting another employee's internal or external complaint of unlawful harassment or discrimination.

The list above is illustrative only and is not exhaustive.

Additionally, no employee of HOSPITALITY HOUSE, agent, professional, or contractor shall be subject to adverse or discriminatory action by HOSPITALITY HOUSE for reporting in good faith any wrongdoing or suspicious activity or for participating in any investigation or providing assistance with respect to any action that may be brought against HOSPITALITY HOUSE, including, without limitation, bringing a civil action for a violation of the Federal False Claims Act or North Carolina false claims laws. Employees, agents, professionals, and contractors may report immediately any action believed to be retaliation against any individual for reporting suspect activities or wrongdoing.

HOSPITALITY HOUSE is committed to enforcing this policy against all forms of harassment, discrimination, and retaliation. HOSPITALITY HOUSE encourages the reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. If employees feel that they or someone else may have been subjected to conduct that violates this policy and/or the Handbook, they should report it immediately to their direct Supervisor or to the Executive Director. Additionally, the direct Supervisor, the Executive Director, or any other person to whom the complaint was made will investigate the alleged conduct and will work to establish mutually agreed upon safeguards against future retaliation.

Individuals determined to have engaged in retaliation, harassment, or discriminatory treatment in violation of this policy, including in response to a report of wrongdoing or suspect activity, will be subject to disciplinary or other corrective action, up to and including termination.

WHISTLE-BLOWER POLICY

A Whistleblower is defined by this policy as any employee of HOSPITALITY HOUSE who reports an activity that the employee considers to be illegal or dishonest to one or more of the parties specified in this policy. Illegal or dishonest activities are violations of federal, state, or local laws, including any fraudulent or financial wrongdoing. Financial wrongdoing may include, but is not limited to: questionable accounting practices; fraud or deliberate error in financial statements or recordkeeping; deficiencies of internal accounting controls; or misrepresentations to HOSPITALITY HOUSE officers or Executive Director (including deviation from full reporting of the Organization's financial condition).

HOSPITALITY HOUSE prides itself on its adherence to all federal, state, and local laws/regulations, and its Code of Conduct policy. Therefore, employees are encouraged to report in good faith what he or she believes to be a violation of the law or financial wrongdoing to the Organization or a concern of illegal, dishonest, fraudulent activity, without fear of retaliation, to the Executive Director or a member of the Board of Directors. Confidential, anonymous complaints submitted to one of the above-named parties should describe the matter of concern in as much detail as possible.

All complaints/concerns related to a Whistleblower claim will be treated in confidence insofar as the Organization's duty to investigate and the law allows. If confidentiality cannot be maintained, the employee disclosing the possible violation will be notified. All complaints/concerns will be thoroughly investigated and if needed, appropriate corrective action taken based upon the Organization's policies. An employee's refusal to cooperate with an investigation shall subject the employee to immediate disciplinary action, up to and including termination. Any employee of HOSPITALITY HOUSE who takes retaliatory action against a whistleblower who in good faith registers a complaint or concern relating to termination, suspension, compensation decreases, poor work assignments, threats or harassment, or any other prohibited act, is in violation of this policy and subject to immediate disciplinary action, up to and including termination.

FALSE CLAIMS LAWS

Federal False Claims Laws play an important role in preventing and detecting fraud and abuse in federally funded programs. These laws prohibit knowingly presenting or causing to be presented a false, fictitious or fraudulent claim for payment to federally funded programs; knowingly making a false record, statement, or misrepresentation to obtain payment for a false claim from any federal program; or conspiring to defraud any federal program by getting a false claim paid. Examples of actions that could constitute a violation of these laws include but is not limited to the following:

- Filing false or fraudulent claims for payment or approval;
- Making or entering any charge for a service that was not provided;
- Recording a charge for a service that differs in any way from the actual service provided (including by entering a false, fraudulent, or erroneous expense);
- Making or using, or causing another to make or use, any false record or statement in connection with obtaining payment for a false or fraudulent claim; and
- Filing a false or fraudulent cost report.

North Carolina False Claims Laws

North Carolina False Claims Laws are important in preventing and detecting fraud and abuse in any state-funded program. Similarly, to the federal false claims laws, these laws prohibit knowingly presenting or causing to be presented a false or fraudulent claim for payment to the State of North Carolina, including the Emergency Solutions Grant program; knowingly making a false record or statement to obtain payment or approval for a false claim from any State of North Carolina funded program, or conspiring to defraud any State of North Carolina funded program by getting a false claim paid. The examples of unlawful actions described above that constitute violations of the federal false claims laws would also violate North Carolina False Claims Laws.

COMPLAINT PROCEDURE

Employees who are subjected to any conduct that they believe violates this Handbook should promptly contact their direct Supervisor as soon as possible following the offending conduct. HOSPITALITY HOUSE will ensure that a prompt investigation is conducted. Employee complaints should be as detailed as possible.

Additionally, any manager or supervisor who observes discriminatory conduct must report the conduct to the Executive Director so that an investigation can be made and corrective action taken, if appropriate.