



ELITE HEALTHCARE
CONSULTANTS
INC.

Employee Handbook

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INTRODUCTION

This Employee Handbook includes general outlines of employment policies, benefits, and rules applicable to employees. Employees should become familiar with the Handbook and refer to it whenever they have questions about policies or benefits. Employees should feel free to ask their director or the Staff HR Director any questions they may have about the Company's practices. Employees must keep the Handbook in a convenient place so that they may add any revisions and/or additions as they are implemented. It is the employee's responsibility to keep the Handbook up to date.

The policies listed in the Handbook are not all inclusive. They do not give rise to legal rights and are subject to change by management at any time. Elite Healthcare Consultants, Inc. reserves the right to revoke, change, or supplement its policies, procedures, and benefits at any time without prior notice. The Handbook supersedes all previously expressed policies, procedures, or statements of benefits (whether in writing or not) to the extent they are inconsistent with this Handbook.

The Handbook is not intended as a guarantee of continuity of benefits or rights. Employment at Elite Healthcare Consultants, Inc. is at-will therefore, no right of employment or employment for any term is intended or may be inferred from any statements in the Handbook.

The Handbook is provided only as a matter of reference and is not an employment contract. Nothing in this handbook limits any rights employees may have under state or federal law, including the National Labor Relations Act.

Welcome

Welcome to Elite Healthcare Consultants, Inc. (“Elite” or the “Company”), an agency whose mission is to handle administrative services so that home care agencies can focus on what’s most important, patient care. At Elite, the highest level of quality of our customer service is our ultimate goal.

Elite Healthcare Consultants, Inc. does not discriminate on the basis of age, race, gender, national origin, religion, veteran status, sexual orientation, or physical/mental disability when hiring employees.

At-Will Employment

The employment relationship is "at-will employment", which means regardless of anything contained in the handbook and regardless of any custom or practice, the company makes no promises and remains free to change policies, benefits, and all other working conditions without having to consult anyone or obtain anyone's agreement. Just as any employee has the right to terminate his employment for any reason, the company retains the absolute power to terminate anyone at any time, with or without cause, and without prior notice.

The at-will relationship can only be changed by a written document that 1) is signed by both the Staff HR Director and the employee, 2) specifically identifies the employee, 3) expressly states that the employee is not employed at-will, and 4) sets forth a specific duration of employment. No person other than Administration or the Staff HR Director has the authority to adopt new policies or to change or eliminate existing ones, in writing, and no other person has the authority to make any commitment which modifies or contradicts any provision contained in this handbook.

I. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Elite subscribes to a policy of equal opportunity. Elite does not discriminate in employment opportunities or practices on the basis of race, color, creed, national origin, religion, age, sex, disability, sexual orientation or any other characteristic protected by law. This policy governs all aspects of employment including, but not limited to, recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, layoff and termination. All employment-related decisions are based solely on relevant criteria including training, experience and suitability.

Elite will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a Company representative with day-to-day personnel responsibilities and request such an accommodation.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate director. Employees may also bring these issues to the attention of senior management, particularly if the director is the problem. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

II. POLICY PROHIBITING WORKPLACE HARASSMENT

Elite is committed to a work environment in which all individuals are treated with respect and dignity, free from all forms of unlawful discrimination. Sexual harassment, or harassment based on an employee's race, color, religion, national origin, age, disability or any other protected characteristic violates the law, has no place in the work environment and is strictly prohibited. It is Elite's policy that every employee has the right to work free of harassment, sexual or otherwise. This policy applies to all persons involved in the operation of Elite and prohibits unlawful harassment by all employees, including management.

1. Harassment Prohibited

(a) The following conduct constitutes sexual harassment and will not be tolerated:

Any unwelcome sexual advances, request for sexual favors, or other verbal comments, gestures or physical actions of a sexual or otherwise offensive nature, under any of the following circumstances:

- (i) Coercing an individual to submit to such conduct as a term or condition of employment. This would include, but not be limited to, explicit or implicit promises, in return for sexual favors, of employment, career advancement or improvement in terms, conditions or benefits of employment (*e.g.* evaluations, promotion, transfer, training, awards, compensation, assigned duties, etc.).

- (ii) Using an individual employee's submission to or rejection of such conduct as the basis for an employment-related decision. This would include, but not be limited to, explicit or implicit threats that the employee's career or any terms, conditions or benefits of employment will be adversely affected if sexual advances or requests for sexual favors are rejected (*e.g.* non-promotion or transfer, reassignment to a less desirable position/location/work schedule, etc.).
- (iii) Unreasonably interfering with an individual employee's work performance or creating an intimidating, hostile, or offensive working environment, whether intentionally or not. Offensive conduct covered by this last category would include, but not be limited to, deliberately provocative behavior, unwelcome sexual flirtations, advances or propositions, abusive language or gestures, overtures or statements of a sexual nature, unnecessary touching (*e.g.* patting, pinching, hugging, brushing up against another employee's body), graphic or verbal commentaries about an employee's body, sexually suggestive or explicit jokes, a display in the workplace of sexually suggestive objects or pictures (*e.g.* calendars), the use of sexually degrading comments, or offensive nonverbal behavior (*e.g.* leering or staring).

This policy applies equally to men and women, to same- and opposite-sex relationships, to director-subordinate relationships, and to peer relationships. Depending on the extent of Elite's exercise of control it may also apply to non-employees, such as vendors and other visitors.

- (b) The following conduct constitutes harassment other than sexual harassment and will not be tolerated:
 - (i) Use of ethnic slurs or racial epithets.
 - (ii) Telling jokes that may be construed as harassment of others based on their race, national origin, age, disability or religious beliefs.
 - (iii) The display of cartoons or other images (including images displayed on computers) that may be construed as harassment of others based on their race, national origin, age, disability or religious beliefs.
- (c) Any employee who finds another person's behavior to be offensive and who is comfortable doing so may directly inform such other person that such conduct is offensive to such employee and that it must stop. In any event, employees are required to use the complaint procedure set forth below.

2. Fraternalization

Notwithstanding the camaraderie which we encourage, Elite frowns upon consenting romantic and/or sexual relationships among employees (particularly among executives, supervisory or management personnel and other employees). It should be recognized that such relationships, particularly where there is a difference in power between the persons involved, may

threaten to erode the general confidence of the staff in the fair application of employment policies to all personnel.

3. Complaints

Any employee who believes that he or she has been harassed in violation of this policy by any director, management official, other employee, or any other person in connection with employment with Elite should follow the procedures outlined below without fear of retaliation and, to the maximum extent possible, with an assurance of confidentiality and discretion consistent with our ability to conduct an investigation of the complaint.

If the complaint has merit, Elite will take corrective action. Violators of this policy will be subject to disciplinary action including, but not limited to, counseling the accused, suspension and termination of employment.

4. Procedure

(a) An employee who believes that he or she has been subject to harassment (sexual or otherwise) should report the incident immediately to the Staff HR Director. If that is uncomfortable for the employee, the employee may contact their director, or any other member of management. Should an employee notify his/her director or any other member of management of an alleged violation of Elite's policy, it shall be the director's or manager's responsibility to notify the Staff HR Director who will assist and/or arrange for an investigation of the complaint. Any reported allegations of harassment will be investigated promptly. The investigation may include individual interviews with the people involved and where necessary, with individuals who may have observed the alleged conduct or may have relevant information. Under no circumstances shall the person responsible for the alleged violation participate in conducting the investigation. The question of whether a particular action or incident is prohibited requires a determination based on all of the facts available in the matter. It is incumbent upon the person investigating the complaint to ensure that the alleged incident and the investigatory process is appropriately documented.

(b) Upon completion of the investigation, the matter will be reviewed with appropriate senior management of Elite and a decision will be made regarding appropriate discipline, if any, for the responsible individual and, if appropriate, redress for the aggrieved employee. It is Elite's goal to reach the decision as promptly as possible.

(c) Once a decision or decisions have been made in accordance with paragraph (b) above, they shall be communicated to the aggrieved employee and the responsible individual.

5. Confidentiality

Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate. All records and data assembled in connection with the investigation of the complaint shall be kept separate and apart from the relevant individuals' personnel files. Any record of disciplinary action resulting from a complaint of discrimination or harassment shall be included in the personnel file of the disciplined employee.

In addition, in order to minimize needless rumors and other adverse consequences, any employee bringing a complaint or assisting in the investigation of a complaint should use his or her best efforts to keep the complaint and investigation process strictly confidential except to the extent necessary to pursue the complaint.

6. Protection Against Retaliation

Retaliation against an individual for reporting harassment or assisting in providing information relevant to a claim of harassment is a serious violation of this policy and will be treated with the same strict discipline as would the harassment itself. Acts of retaliation should be reported immediately and will be promptly investigated.

7. False and Malicious Accusations

Knowingly false or malicious complaints of harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action, up to and including termination of employment.

III. EMPLOYEE GRIEVANCES

In the event of an internal dispute amongst co-workers, employees are encouraged to resolve the problem between themselves. When this isn't possible, employees file a grievance:

1. The employee should communicate with either their director or the Staff HR Director. They will resolve the issue.
2. If an issue is regarding an employee's director, the employee should reach out to the Staff HR department and cooperate with all other procedures. Staff HR will investigate the matter and will move swiftly to resolve the issue.

IV. WORKPLACE POLICIES

Orientation

Every employee will receive a complete orientation upon beginning their employment. Orientation includes a discussion of the Handbook and addresses any questions the employee may have. The Staff HR Director will inform the employee when orientation will take place. Employees must attend orientation within the first 3 days of date of hire, without exception.

Standard Work Hours

Monday- Thursday: 9:00am to 5:00pm
Friday: 9:00am to 1:00pm

Exempt employees' work hours may vary depending on the position.

Employee Classifications

Full Time Employees: Employees who work **30 hours per week or more**.

Part Time Employees: Employees who work **less than 30** hours per week and are not entitled to benefits.

Temporary employees: Employees who may be full time or part time but are not entitled to benefits.

When and if an employee is switching from full-time to part-time (under 30 hours), the employee will lose all benefits including any accumulated PTO, as well as medical insurance.

Clock In

Elite employees must clock in and out at the beginning and end of each work day. Upon the start of employment, the employee's fingerprint will be recorded to the clock in machine. Employees must also clock out and in for meal time.

Clock in is the employee's responsibility. If there's an issue with the clock in or the employee failed to punch in or out, the employee's director must be notified. Paychecks will not be accurate without proper clock in/out.

Meal Time

- Employees working a full 8-hour day are entitled to a 1-hour paid lunch period. However, this may vary per department. Satellite office employees receive a half hour break. Employees may not work through lunch or forego the lunch period in order to shorten the workday.
- Employees working 6-8 hours a day are eligible to a 30-minute lunch break.
- Employees working fewer than 6 hours in a day are not eligible for any paid lunch time.
- No additional breaks are given. If additional breaks are needed, it must be taken off from the allotted lunch hour.
- If an employee arrives late or leaves early, his/her lunch break is according to the number of hours he/she worked. For example, an employee whose scheduled hours are 9am-5pm but arrives at 10am is only eligible for a 30-minute lunch break.

Pumping Breaks

If possible, pumping breaks should be taken during paid meal time already provided to the employee. Employees must clock out for pumping breaks. Any additional breaks taken will be unpaid.

Payroll

Employees are paid bi-weekly on Friday, following the close of the pay cycle. If a pay date falls on a holiday, paychecks will be dated on the last working day prior to the holiday.

However, this date is subject to change at the Company's discretion.

Direct Deposit

Elite offers employees the convenience of payroll direct deposit whereby they can elect to have all, or a part of their paycheck deposited directly into their personal checking or savings account. Employees interested in this service should notify the Staff HR Department. To start direct deposit, a written authorization will be required. Please note: it can take approximately 1 month for direct deposit to be set up.

Employees who receive direct deposit can view their pay stubs online. The website is ess.adspays.com/. The username and password will be provided by Staff HR.

The Company is not responsible for any delays in receiving a paycheck through the mail. After the check has been issued, the employee is responsible for it. Checks lost or otherwise missing should be reported immediately to the Staff HR Department so that a stop payment order may be initiated.

Improper Pay Deductions

Elite is committed to complying with applicable regulations that prohibit improper pay deductions. However, if an employee feels that a deduction has improperly been made from his/her pay, please notify Staff HR Department. The Company will investigate the circumstances surrounding the deduction. If the Company determines that an employee's pay was reduced in violation of this policy, the employee will be reimbursed for amounts improperly deducted and the Company will take the necessary steps to prevent such an occurrence in the future.

Overtime

The prior request or approval of an employee's director is required for an employee to work overtime. It is the Company's policy to require prior approval for any hours worked over 36 hours per week. The failure to obtain approval prior to working overtime will result in disciplinary action.

Paid absences (e.g. holidays, sick days, PTO, mealtime etc.) will not be considered as time worked for purposes of calculating overtime.

Attendance and Punctuality

Every position at Elite is vitally important in the day-to-day operation of the Company. No matter what position an employee holds, punctuality and regular attendance are essential for efficient operation. A superior attendance record is expected of all of employees.

If an employee must be absent or late up to two hours, because of illness or some other extenuating circumstances, he/she must notify his/her director with the reason for the absence/tardiness, as early as possible, and certainly not later than the time he/she would normally start work. For lateness's over two hours, prior approval is required. Refer to the Paid Time Off (PTO) Policy.

Excessive absenteeism and/or tardiness cannot and will not be tolerated, and may, in the discretion of management, result in disciplinary action up to and including termination. Arriving after 9:10am more than twice a week may result in disciplinary action.

An employee's failure to notify Elite of an absence for two consecutive scheduled work days will be deemed an automatic resignation or termination.

Personal Appearance/Dress Code

Elite Healthcare Consultants, Inc. expects employees to dress appropriately in [business casual attire](#) at all times. There is no dress-down Fridays. Business casual attire includes suits, pants, jackets, shirts, skirts and dresses that, while not formal, are appropriate for a business environment.

The following are not approved for work:

- Shorts
- Mini-skirts
- Sleeveless shirts
- Sheer tops
- Low-cut necklines
- Flip Flops
- Exercise clothing – spandex, leggings, etc.

Job Objectives/Performance Reviews

Employees will be given a job description which detail the requirements and expectations of the position within one week of a job change or promotion, or within one week of starting employment with the company. After every evaluation, the job description will be re-dated and reviewed, or rewritten if needed. In either case, the director will review and discuss the job description with the employee.

Performance reviews are normally conducted annually from the date of hire, with the exception of a three-month review at the end of an employee's first three months of employment. Annual performance evaluations will be done on an annual basis, based on past performance, improvement, dependability, attitude, cooperation, disciplinary actions, and adherence to all employment policies, with no guaranteed wage increase.

Kids at Work

The presence of children in the workplace during the employee's workday is inappropriate and is to be avoided except in emergency situations. This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce property liability, and help maintain the company's professional work environment. In extenuating circumstances, children can come to work with their parent for up to 1 hour, with director's prior permission.

V. ALCOHOL AND DRUG POLICY

To help insure a safe, healthy and productive work environment for all Elite employees, the Company has adopted a policy maintaining a workplace free from alcohol and drugs. This policy restricts certain items and substances from being brought to the workplace and prohibits employees from reporting to work and/or working under the influence of alcohol, illegal drugs, and other controlled substances which may affect their ability to perform work safely. An employee who feels that he/she has a substance abuse problem is encouraged to seek professional help. The Company will also offer referral service to any employee who voluntarily requests help.

This policy may include post-incident, reasonable suspicion and annual testing as well as searches and investigations to the extent permissible by law.

Policy Rules

1. Processing, manufacturing, distribution, dispensing and/or the use of illegal drugs, drug paraphernalia, unauthorized controlled substances, illegal use of legal drugs and other intoxicants during work hours or in work areas is prohibited.
2. Reporting to or being at work under the influence of illegal drugs or unauthorized controlled substances is prohibited. Reporting to and being under the influence of alcohol or other legal intoxicant that can adversely affect an employee's performance or the safety of the employee, as well as those surrounding the employee is also prohibited.
3. Legally prescribed drugs may be permitted provided that the drugs are prescribed to the employee by an authorized medical practitioner for current use by the employee. Reporting to and being at work under the influence of prescribed or over-the-counter drugs, where such use prevents an employee from performing the duties of the job or poses a safety risk to other persons or property is prohibited. Employees taking a prescription over-the-counter drug are personally responsible for confirming with their physician that they may safely perform any job duties while taking such items. Employees taking a legal substance that could impair their safety at work must advise their immediate supervisor, who may assign the employee to non-hazardous duties or send them home. An employee's failure to notify their supervisor at the start of their work shift of the above will result in disciplinary action, up to and including termination of employment.
4. The possession or use of alcohol during work hours is prohibited.
5. Nothing set forth in this policy shall be construed as a limitation upon the right to terminate an employee at any time and upon any reason and the right of the employee to resign at any time for any reason.
6. Any employee who is found to be in violation of this policy will be subject to discipline, up to and including termination.

Screening Tests

An employee, to the extent consistent with applicable federal, state and local laws, will be required to undergo a screening test for the use of alcohol, illegal and non-prescription drugs, or other substances under any of the following or other circumstances which may be determined by the Company under this policy:

1. Post Incident – If an employee is involved in a workplace incident resulting in personal injury to the employee, or others, or damage to property or workplace, or circumstances which could have resulted in personal injury to either the employee or others, or damage to property when there is a reasonable suspicion to believe that the incident has occurred due to drug or alcohol use.
2. Reasonable Suspicion – When there is reasonable suspicion, satisfactory to the Company's management, to believe that an employee is under the influence of alcohol, illegal drugs, unauthorized controlled substance, or other intoxicants during work hours or while in the workplace or that the employee has reported to work under the influence of illegal drugs, unauthorized controlled substances, alcohol or other intoxicants which could affect the safety of the employee and/or others.
3. Random – When the Company, upon its discretion, requires random screenings. The percentage to be randomly screened shall not exceed 10% of the entire workforce.
4. Annual – When the Company, upon its discretion, requires screenings on a yearly basis in addition to any other screening test that was given in that year.

Any employee who tests positive for drugs or alcohol and who believes the test results are incorrect, may request a retest of the original specimen at his/her cost.

The Company reserves the right to search any employee or property for illegal drugs, drug paraphernalia, unauthorized controlled substance, alcohol or other intoxicants. The Company may have a third party complete the search(es). This shall include, but is not limited to, clothing, personal effects, vehicles, buildings, offices, parking lots, desks, cabinets, locker, closets, lunch boxes and equipment.

Employee who refuse to submit to testing as required by the Company or who fail to complete the test will be subject to discipline, up to and including immediate termination of employment.

VI. EMPLOYEE BENEFITS

Sick Time Policy

The Company's policy is that every employee receives 40 hours of paid sick time at the beginning of each calendar year. However, in the first year of employment, the employee may only use the paid sick time after a 3-month probationary period.

Any unused paid sick time will be carried over into the next calendar year. However, the Company will not allow employees to exceed 40 hours of paid sick time per calendar year.

Sick days are not allowed to be requested in advance. In the event that a sick leave is foreseeable, the employee must notify their director as soon as possible. In the event that the leave is not foreseeable, the employee must notify his/her director before 9 am that day.

If an employee takes three or more consecutive days of paid sick leave, he/she must provide documentation signed by a healthcare professional latest upon return to work, that the paid sick time has been used for a covered purpose. All sick days, whether for a foreseeable event or not, will be charged to the employee's sick time bank.

Please note, an employee may not take off more than their total allotted time off per year. After an employee has exhausted his/her 40 hours of paid sick time, any additional call out will be deducted from the PTO bank and will not be paid. With the exception of if it was due to extenuating circumstance with a sufficient doctor's note and the employee has remaining PTO hours, he/she will be paid for the hours of absence using his/her PTO balance.

If an employee exhausted his/her sick time and PTO balance and calls out without a sufficient doctor's note due to extenuating circumstances, he/she will be subjected to disciplinary action which may lead to termination.

All doctor's notes must state that time off from work is needed and for how long. All doctor's notes are subject to verification as well as director's discretion.

Upon an employee's separation of employment with the Company (regardless of the reasons or circumstances for the separation), the employee will not be paid out any unused sick time.

Paid Time Off (PTO) Policy

Please note, there is a difference between sick days and paid time off (PTO).

After a 3-month probationary period with the company, full time employees will eligible to take an allotted amount of PTO hours per calendar year. There is no option of taking unpaid leave.

All PTO hours must be requested with a minimum of a 2-week advance notice to the employee's director. It is up to the director's discretion to approve or disapprove the requested time off.

We strongly advise employees not to make any plans before getting an approval from the director as the Company will not take any responsibility if the PTO was not approved.

If an employee will be missing 2 or more hours of his/her work day, the employee must follow the PTO policy of requesting it 2 weeks in advance.

Employees are strongly urged not to leave PTO requests for the last month of the year, as they may not always be able to be approved if there is not adequate coverage.

Employees may not carry over any unused PTO hours into the next calendar year.

An employee switching positions and/or departments will have his/her previously accumulated PTO locked for the duration of 4 weeks, unless the time off was requested and approved prior to the transition.

When and if an employee is switching from full time to part time (under 30 hours), the employee will lose their PTO hours.

Allotted PTO Hours for All Full Time Employees:

- All new employees hired between January 1st and June 30th will receive 36 PTO hours after a 3-month waiting period to be used for the calendar year.
- All new employees hired between July 1st and September 30th will receive 18 PTO hours after a 3-month waiting period to be used for the calendar year.
- All new employees hired between October 1st and December 31st will not receive any PTO hours for the initial calendar year.

Allotted PTO Hours for Existing Employees:

- After the completion of the first calendar year, full time employees will receive 72 PTO hours per each calendar year.
- After an employee's 5th anniversary with the Company, they will be entitled to 108 PTO hours.

At the end of the calendar year or upon separation from the Company, any unused PTO hours will not be paid out to the employee. At the time of an employee's separation from the Company, any PTO used by an employee that wouldn't have been accumulated yet will be deducted from the employee's last paycheck. Part time employees are not eligible for any PTO hours.

Our Company's policy is to advance the PTO to the employee at the beginning of the year (or after the completion of the 3-month waiting period). This ensures an employee can take PTO as needed rather than wait until he/she has accumulated it.

Paid Holidays

- 1) There is a list of holidays that are paid on an annual basis.
- 2) There is no waiting period for holiday day pay.
- 3) If an employee does not work the day before and after the holiday, they will not be paid for the holiday. Payroll department must work the entire week of the holiday in order to get paid for the holiday.

Paid Holidays 2019

Tuesday, January 1st - New Years
Thursday, March 21st - Purim
Thursday, April 25th - Pesach – *office closes at 1pm*
Friday, April 26th – Pesach - *office closed and hourly employees are paid for half a day*
Monday, May 27th - Memorial Day
Monday, June 10th - Shavuot
Thursday, July 4th - Independence Day
Monday, September 2nd - Labor Day
Monday, September 30th - Rosh Hashana
Tuesday, October 1st - Rosh Hashana
Tuesday, October 8th - Erev Yom Kippur– *office closes at 1pm*
Wednesday, October 9th - Yom Kippur
Monday, October 14th - Sukkot
Tuesday, October 15th - Sukkot
Monday, October 21st - Shmini Atzeret
Tuesday, October 22nd - Simchat Torah
Thursday, November 28th - Thanksgiving
Wednesday, December 25th – Christmas

Each of the holidays listed above will be paid for. A holiday schedule will be emailed every December for the upcoming year.

Chol HaMoed

Elite Health care Consultants is open all days Chol HaMoed (intermittent days of Passover and Sukkos) (April 22-25, 2019, and September 16-18, 2019). Any employee who wants to request time off should use PTO and must follow the PTO policy for requesting the time off.

Snow Days

There is no snow day allotment. If an employee needs to take off, they can use PTO or a sick day, as per his/her director's discretion.

Family and Medical Leave

Employees who are not eligible for Family and Medical Leave Act (FMLA) leave or who have exhausted their FMLA leave, but who nonetheless require a leave of absence from work due to a medical condition, including pregnancy-related conditions, may be eligible for unpaid leave, provided that (a) there is not an effective alternative accommodation that allows the employee to remain at work, (b) such leave does not pose an undue hardship, and (c) the employee would be entitled to such leave under applicable law.

Employees must notify the Staff HR Director of their need for a medical leave of absence, preferably in writing. Whenever feasible, this notice should be provided as far in advance of the leave as practicable. The Company may request appropriate medical information to verify the employee's medical condition, need for leave, and other relevant information. Failure to provide the information requested by the Company may result in the delay or denial of the requested leave. Consistent with applicable law, the Company reserves the right to require employees to submit to an examination by a medical professional it selects where appropriate.

A leave of absence granted pursuant to this policy will be unpaid, but an employee may be required to also use any or all of his or her accumulated paid time off during such leave. While on a leave of absence under this policy, employees may be eligible for short-term disability and/or long-term disability insurance benefits, subject to and in accordance with the plan documents governing such benefits. Group health benefits (e.g. medical insurance), when applicable, will be available to employees at their own expense, subject to and in accordance with COBRA. All benefits that operate on an accrual basis (e.g. paid time off) will cease to accumulate during any portion of leave that is unpaid.

Where an employee's request for leave does not specify an exact or fairly specific return date (e.g. October 4 or around the second week of November), or where the employee requires additional leave beyond what was originally granted, the Company may require the employee to provide periodic updates on his or her condition and possible date of return.

The Company may require employees seeking to return to work following a leave to provide appropriate medical information and/or require the employee to submit to a medical examination, consistent with applicable law.

If an employee is unable to return to work following a leave provided under this policy, the employee will be deemed to have abandoned his or her job, unless the employee requests and is granted additional leave as an accommodation for their circumstances. Each request for such an additional leave under this policy will be evaluated on a case-by-case basis, and the Company may request appropriate medical information to verify the employee's medical condition, need for

additional leave, and other relevant information. Failure to provide the information requested may result in the delay or denial of the requested leave.

Family Leave Insurance (FLI) Benefits

Eligible employees who are granted time off to bond with a newborn or newly adopted child, or to participate in the care of a family member with a serious health condition may receive Family Leave Insurance (FLI) for up to six weeks. FLI is funded through an employee payroll tax and is provided under a plan administered by the state of New Jersey.

A serious health condition is defined by FLI regulations, and also requires employees to provide a medical certification from a health care provider as part of his or her claim for insurance. The state of New Jersey may also require, among other things, a valid social security number.

For the purposes of FLI, “family member” means: a child (biological, adopted, foster, step-child, or legal ward) of an employee, or a child of a same-sex domestic partner or civil union partner of an employee who is less than nineteen (19) years of age, or who is 19 years of age or older if incapable of self-care because of a physical or mental impairment; a spouse, same-sex domestic partner, or civil union partner of an employee; or a parent (biological, foster, adoptive, or step-parent, or a person who was legal guardian) of an employee.

FLI can be paid on a consecutive or intermittent basis for up to six weeks within a twelve (12) month period (the 365 consecutive days that begin with the first day an employee establishes a valid first claim for FLI). For the purpose of bonding with a newborn or newly adopted child, FLI can only be paid on a consecutive basis unless an intermittent schedule has been previously approved by the employee’s director.

FLI can be paid on intermittent basis to care for a family member with a disability only when medically necessary and when the employee has made a reasonable effort to schedule time off so as not to disrupt the Company’s operations.

Employees must actually participate in providing care to a family member with a disability to be eligible for FLI, which includes, but is not limited to, physical care, assistance in treatment, and assistance with essential daily living matters.

Employee Must Give Notice to the Company

To be eligible for FLI for the purpose of bonding with a newborn or newly adopted child, employees must give no less than thirty (30) days’ notice. Failure to provide such notice may result in a reduction in insurance benefits.

To be eligible for FLI on an intermittent basis, employees must give the Company no less than fifteen (15) days’ notice, unless an emergency or unforeseen circumstance precludes such notice. To be eligible for continuous time to care for a family member, notice must be given in a reasonable and practicable manner, unless emergency or unforeseen circumstances precludes such notice.

Use of Paid Time Off

Before receiving FLI, the Company will require employees to use any remaining paid time off, thus reducing the state-paid benefits proportionately.

Jury Duty Leave

The State of New Jersey does not require for employers to pay employees who are summoned for jury duty. Employees should notify their director at the time a jury duty notice is received, so the employee's absence can be covered. Evidence of service as a juror must be submitted to the employee's director upon completion of jury duty service.

Voting

New Jersey law does not require employers to provide employees time off to go vote.

Bereavement Leave

The Company allows three (3) days off, either unpaid or taken out of an employee's PTO bank, per incident for a death in the employee's immediate family.

Immediate family includes parents, spouse, children, or siblings.

Employees may request up to an additional two (2) days, which must be approved by their director. If accumulated PTO is available, this benefit will be used for the additional two days; otherwise, the additional two days will be unpaid.

Bereavement leave for death of other than immediate family must be approved by the employee's director. Absence for such a death is limited to two (2) days and will be unpaid unless accumulated PTO or sick time is available.

Military Reserve Duty

Generally speaking, the Uniformed Services Employment and Reemployment Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave a position (other than a temporary position) for the purpose of performing military service or certain types of service in the National Disaster Medical System. Upon reemployment, individuals will be restored to their job or the job they would have attained had they not been out on leave or, in some cases, a comparable job unless changed circumstances make reemployment impossible or unreasonable. Also, the returning employee must satisfy requirements as to timeliness of application for reemployment, duration of military service, and satisfactory completion of such service.

Employees who perform military training duty at summer encampment or the equivalent will also be granted a leave of absence for such purpose.

During a military leave of absence, employees have the right to elect to continue their health benefits for them and their dependents for up to 24 months. If an employee chooses not to continue the employer-based plan, the employee's benefits will be reinstated upon reemployment, generally without any waiting periods or exclusions.

The Company will comply with all legal obligations with respect to restoring the employment and benefits to one who has left the Company to perform military duty or training.

Pursuant to federal law, any employee (except one hired on a temporary basis) who is absent from work by reason of service in the uniformed services is entitled, under specified circumstances, to certain rights and benefits, provided that the employee's cumulative length of the absence and of all previous absences for this purpose does not exceed five years. Advance written or verbal notice of such service is required unless it is impossible, unreasonable or precluded by military necessity. Upon re-employment, an employee returning from military leave is entitled to seniority, and other rights and benefits determined by seniority, as the employee had on the date service began, plus the additional seniority which would have been attained had the employee remained continuously employed. Continuous coverage under the medical plan is available to the employee and eligible dependents for up to 24 months; provided, however, that if the absence is for more than 30 days, the employee will be required to pay 102% of the group rate premium.

The Company shall provide employees who have been employed for more than 2 years with one week's regular base salary for the two-week period they are away serving reserve duty.

Employees may elect to use accumulated PTO hours for the second week that they are at training, if desired. If employees are employed for less than 6 months, leave will be granted without pay for the time away for reserve duty.

Blood Donation Leave

Off-Premises Blood Donation – Employees taking leave for “off-premises blood donation” shall be permitted at least one leave period per calendar year of up to three hours duration during the employee's regular work schedule and may not be carried over. “Off-premises blood donation” shall mean blood donation which is not made in connection with a blood drive at the employee's place of employment or in connection with some other convenient time and place set by the employer. Such blood donation leave is not required to be paid leave.

Employees are required to provide at least three working days' notice of a blood donation leave. Upon return to the office, employees are required to show proof of their off-premises blood donation.

Working While on Leave

Employees on any leave of absence are prohibited from working elsewhere during the leave period. Violations of this policy may result in disciplinary action, up to and including termination of employment.

Health Insurance

Full-time employees are eligible for enrollment in the plan upon completion of at least three months of continuous employment with the Company. Employee contributions to the premiums are withheld from paychecks as a pre-tax deduction. Speak to Staff HR for further details. If an employee switches from full-time to part-time, he/she will lose health insurance benefits (see COBRA options).

Short Term Disability

Employees who suffer an off-the-job injury or illness may be entitled to benefits from the state. Please consult with the Staff HR Director for further information.

Workers' Compensation

An employee who sustains any work-related injury or illness, no matter how slight, must report this immediately or soon thereafter as practicable, to the Staff HR Director. Failure to report may adversely affect the right to receive Workers' Compensation benefits, if any. Any employee who is involved in any accident at work, regardless of how serious or incidental, must report it immediately to the Staff HR Director. Employees who report any workplace accident, injury or illness will not be retaliated against because of reporting.

If an employee's injury results in absence from work, a letter from a doctor stating that the employee is physically well enough to return to work is required prior to, or on, the date of return.

Benefits Continuation (COBRA)

The federal Consolidated Omnibus Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Elite's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are: resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage of the Company's group rates plus an administration fee.

Elite provides each eligible employee with a written notice describing rights under COBRA when the employee becomes eligible for coverage under the Company's health insurance plan. The notice contains important information about the employee's rights and obligations.

VII. MISCELLANEOUS POLICIES AND PROCEDURES

Confidentiality

During an employee's employment with the Company, the employee may have access to confidential and proprietary information. This confidential information constitutes a valuable asset of the Company, developed over a long period of time and at substantial expense. As a result, Elite requires all employees to sign a confidentiality agreement as a condition of employment. All employees are required to maintain such information in strict confidence.

Should an occasion arise in which an employee is unsure of his/her obligations under this policy, it is the employee's responsibility to consult with his/her director. Failure to comply with this policy could result in disciplinary action, up to and including termination.

HIPPA

HIPAA stands for the Health Insurance Portability and Accountability Act. It is a new federal law whose purpose is to protect the privacy of personal medical information that is shared with doctors, nurses, hospitals, insurance companies and other health care providers.

HIPAA's Privacy Rule puts new limits on how personal medical information is used and shared, gives clients the right to access their medical records and puts greater protection on those medical records. In the past, personal health information was sold or shared to make decisions regarding employment, for marketing purposes, to coordinate care for disease management and to help determine drug costs. This was done without notice to or consent of the client. The Privacy Rule applies to all forms of personal health information – written, electronic or oral.

Who has to follow the HIPAA Rules?

All health care providers – doctors, nurses, caregivers, insurance companies, health care agencies, hospitals, laboratories and business associates of these persons must follow the HIPAA rules.

What is personal health information?

Personal Health information includes any information regarding the past, present or future physical or mental health or condition of a person that is used for treatment or payment of healthcare. The HIPAA rules include additional information that is protected by the privacy rule – any information that can be used to identify individuals. This might be the name, social security number, address, health insurance numbers, doctor's name, diagnosis, etc. This information can connect a person to specific health information. Protected Health Information (PHI) is that personal health information that is transmitted or stored electronically or in any form other than hard copy.

What does the Company have to do to meet the new regulations?

The Company must do several things in order to fulfill its legal obligations. We must provide client and employee education about the privacy rights and how client information can be used. Policies and procedures must be developed for the client and employee to follow. All employees must be trained about the policies and procedures. Most important of all, employees must be aware of the way that they contribute to the maintenance of client confidentiality – not discussing cases with people who are not involved in the client's care, keeping records secure and out of the sight of people who do not work for the agency, properly destroying client documents that are no longer needed or pieces of paper that have client information written on them, disclosing only the minimum amount of information that is needed, taking other measures to protect client confidentiality such as learning about practices.

What information does the client need to know?

Clients will be informed of the new privacy rule and their rights under this rule, through a "Notice of Privacy Rights". The nurse will give this document to the client at the time of the first

nursing visit and will ask the client to sign a consent form to use and share the PHI for treatment, payment and health care operations. This consent form must be kept on file for six years.

How can PHI be used and disclosed legally?

In order for a client to receive treatment, have the treatment paid for by their insurance company and for the health care agency to operate, protected health information (PHI) must be used and disclosed by the people involved in the care of the client. PHI is used when it is shared, examined, applied and analyzed. PHI is disclosed when it is released, transferred or accessed in any way outside the health care agency. PHI may be used or disclosed in the following instances: for treatment, payment or health care operations; with authorization or agreement from the client; for disclosure to the client; for incidental uses such as doctors talking to clients in a hospital room or on the phone or a nurse who is taking care of the client. For other uses or disclosures, the client must sign a special authorization form.

What requirements are related to the special authorization form?

This form must be signed by the client when information must be used or shared with a third party for purpose not related to treatment, payment or health care operations. The authorization may be revoked by the client at any time. Each authorization must give a specific description of the information to be used or shared, the name of the person who is getting the information, the purpose of the disclosure, the date of expiration of authorization and it must be written in plain English. The information that is shared must be the minimum necessary.

Are there other times when PHI can be disclosed without obtaining a special authorization?

Yes, PHI may be legally disclosed without obtaining a special authorization from the client for the purpose of audits, civil and criminal investigations, law enforcement, judicial and administrative proceedings, reporting public health and safety and suspected/known cases of abuse, neglect or domestic violence and other legal requirements. In emergency circumstances PHI may be disclosed. PHI may also be shared with relatives, coroners and medical examiners.

Can I tell if the client says I can?

Disclosure may be made to family members, friends or other people that clients indicate is involved in their care or payment of health care unless the client objects in whole or part. In any other situation not described previously, the client's written authorization must be obtained to disclose any PHI.

What if "they" are listening?

An incidental use or disclosure is a secondary use of disclosure that cannot reasonably be prevented, is limited in nature and occurs as a result of an otherwise permitted use or disclosure. They are permitted only to the extent that reasonable safeguards have been applied and do not disclose any more of the PHI than is necessary to accomplish the permitted use or disclosure – this is known as the Minimum Necessary Standard. An example might be the disclosure about a client by a home health caregiver in the client's home that might be overheard by the other family members not involved in the client's care.

What is “minimum necessary rule”?

Use or disclosure of PHI must be limited to the smallest amount that is needed to get a job done. This means that not all employees may have the same amount of information about a client. Each employee should have only the information that is necessary for them to carry out their job. This rule does not apply to use or disclosure of medical records for treatment purposes since the health care provider needs access to the entire record to provide quality care.

What happens if an individual or agency fails to follow these laws?

Failure to comply may result in civil and/or criminal penalties.

Does HIPAA take precedence over other existing confidentiality laws?

In cases where state laws are stricter than the HIPAA rules, the state laws take precedence. An example is the HIV confidentiality laws.

Does HIPAA have any other part beside the Privacy Rule?

Yes, there are three parts to the HIPAA regulations. You have already heard about the Privacy Rule. HIPAA also sets standards for the electronic transmission of PHI in order to standardize how this is done throughout the country. There will also be a Security Rule which will create standards governing the security of protected health information (PHI); these regulations have not been written yet.

Safety and Accident Rules

Safety is everyone's job at Elite. The Company provides a clean, hazard free, healthy, safe environment in which to work in accordance with the Occupational Safety and Health Act of 1970. Employees are expected to take an active part in maintaining this environment. Employees should observe all posted safety rules, adhere to all safety instructions provided by their director and use safety equipment where required. Employee’s workspace should be kept neat, clean and orderly.

It is employee’s responsibility to know the location of all safety and emergency equipment, as well as the appropriate safety contact phone numbers. A copy of the Emergency Procedures will be posted in each work area.

Small Business Notes will provide all safety equipment. Employees will be responsible for reasonable upkeep of this equipment. Any problems with or defects in equipment should be reported immediately to the employee’s director.

Employees have a duty to comply with the safety rules of Elite, to assist in maintaining a hazard-free environment, to report any accidents or injuries, and to report any unsafe equipment, working condition, process or procedure, immediately to a director.

Employees may report safety violations or injuries anonymously to the Staff HR Director, if they are not the injured or violating party. No employee will be punished or reprimanded for reporting safety violations or hazards. However, any deliberate or ongoing safety violation, or creation of hazard, by an employee will be dealt with through disciplinary action, up to and including termination.

Discipline, Company Rules of Conduct and Termination

To function effectively, every organization must develop policies and procedures to protect its clients and to ensure that co-workers' and the Company's rights are respected. Elite is no exception. Conduct that is disruptive, unproductive, immoral, unethical or illegal will be not tolerated.

The Rules of Conduct described in this section are not exclusive and are in addition to the conduct related provisions contained elsewhere in this handbook. If employees become aware of a violation of this policy, they must bring it to the attention of their director, or if the director is the problem, employees must notify the Staff HR Director or Administrator.

The following list includes, but is not limited to, violations of our Rules of Conduct that may lead to disciplinary action which, based on the circumstances of the individual case, could result in termination of employment.

- Suspension, revocation or other legal impairment to employee's professional license.
- Insubordination; or immoral conduct of any kind.
- Theft or dishonesty.
- Falsifying application for employment.
- Falsifying time records.
- Fighting.
- Threatening, intimidating or assaulting other employees, including but not limited to the use of abusive language.
- Revealing or discussing confidential information with non-employees.
- Revealing or discussing confidential client information of any kind unless required by law.
- Possessing or reporting to work under the influence of intoxicants or non-prescribed drugs, or the use of intoxicating beverages or non-prescribed drugs while on the job.
- Theft, fraud or unauthorized possession or use of property belonging to the Company.
- Falsifying any documentation regarding clients or employee's charts/records.

The above is a non-exclusive list of examples of prohibited employee conduct. Employment with Elite is at will, terminable by either party at any time with or without cause.

Three Strike Policy

Any violation of any of the policies stated in this handbook will first be treated with a Verbal Warning. If the violation persists, a Written Warning will be issued, requiring signatures of both the employer and the employee. The last strike is in form of a Final Notice where either a suspension or termination has been issued, requiring signatures of both the employer and the

employee. This is the standard practice, but there are offenses that justify immediate termination at the company's discretion.

Resignation of Employment

All employees who resign from employment with the Company are expected to give two weeks' notice in writing. The final pay check will be given on the regular pay day.

Integrity of Records and Compliance with Account Procedures

Accuracy and reliability in the preparation of all records is mandated by law and is of critical importance to the proper discharge of Elite's reporting obligations. All bills and duty sheets rendered must accurately reflect the services provided. All business records, expense accounts, vouchers, payroll and service records and other reports are to be prepared with care and honesty. False or misleading entries are not permitted. Compliance with accounting procedures and internal control procedures is required at all times.

Elite endeavors to give prompt, courteous and accurate response to client inquiries and complaints received. When adjustments are warranted due to billing or administrative errors, employees must make them promptly and courteously.

Use of Computer Hardware and Software

Business Use:

The use of Elite's computer hardware, software and network services for personal purposes is strictly prohibited. If any damage occurs due to violation of the above, the employee will be held responsible for the damage. The software furnished by Elite is the only software that employees are authorized to use. Adding, copying or downloading any other software onto the Elite computer system is strictly prohibited.

Access:

Elite is entitled to access an employee's computer at any time.

Computer Software:

- Legitimate software will be provided to all employees as necessary. Employees may not make any unauthorized copies of any software provided by the Company under any circumstances. Anyone found copying software other than for backup purposes is subject to discipline, up to and including termination.
- Elite will not tolerate the use of any unauthorized copies of licensed software. Any person illegally reproducing software may be subject to penalties. Elite does not condone illegal copying of software under any circumstances. Anyone who makes, uses, or acquires unauthorized software shall be appropriately disciplined up to and including termination.
- Employees may not give software to outsiders, including clients, customers, or any other individuals.

- Any employee who determines that there may be a misuse of software within the Company must immediately notify his or her director or the Staff HR Director.

Use of E-mail and the Internet

E-Mail and Internet Use for Private Purposes Strictly Prohibited - The use of the Elite's e-mail system and the Internet for private purposes, including, but not limited to, solicitation of outside business ventures, divulging of confidential or privileged information, or personal, political or religious causes is strictly prohibited.

Monitoring of Employee E-Mail and Internet Usage - All electronic communication systems and all communications transmitted by, received from, or stored in these systems are the property of the Company. Elite reserves the right to monitor, review, access and disclose all matters on the Company's e-mail system at any time, with or without employee notice. The Company similarly reserves the right to monitor employee e-mail and Internet usage to ensure that employee use is consistent with the Company's legitimate business interests.

Monitoring Calls – Please be advise that calls may be monitored and recorded for quality and training purposes.

E-Mail, the Internet and Equal Employment Opportunity – Elite's Equal Employment Opportunity and workplace harassment policies apply to the e-mail system and the Internet.

Accordingly, employees are prohibited from using the Company's e-mail system or the Internet to display or transmit sexually explicit images, messages or cartoons, communications containing ethnic slurs or racial epithets or any other communication or image that may be construed as harassment of others based on their race, national origin, sex, age, disability or religious beliefs. The Company does not tolerate actions that may create a hostile work environment.

Social Media – In the event that employees choose to identify themselves as an Elite employee on any social media platform, website or blog, or to discuss matters related to the Company, employees must adhere to the following guidelines:

1. Employees may not violate any guidelines set forth in this Handbook.
2. Employees must include the following disclaimer notice in a prominent location on their site:
3. *“The opinions expressed here are the personal opinions of [employee's name]. Content published here is not read or approved by Elite Healthcare Consultants, Inc. before it is posted and does not necessarily represent the views and opinions Elite Healthcare Consultants, Inc.”*
4. Employees may not disclose any sensitive, confidential, proprietary or financial information of the Company. This includes, but is not limited to, comments or information about any specific customer, partner, vendor, supplier or product.

5. Employees may not post any material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful or embarrassing to any person or entity.
6. Employees must act in accordance with laws governing copyright and fair use of copyrighted materials owned by others, including the Company's own copyrighted materials.
7. To the extent an employee believes that content contained on a co-worker's website or blog is prohibited by the Company's Policy Prohibiting Workplace Harassment, the employee is required to follow the complaint procedure set forth in the Workplace Harassment policy.

Violations of the E-Mail, Social Media and Internet Policy – Any employee in violation of the Elite's policy on e-mail, blogging and/or Internet use, will be subject to disciplinary action, up to and including termination of employment. Any conduct in violation of this policy will be considered in material conflict of interest with the business interests of the Company.

Solicitation and Distribution

To avoid distractions, solicitation by an employee of another employee is prohibited during working time in working areas. The distribution of materials such as handbills or printed or written material of any kind is prohibited at all times in work areas. Solicitation, trespass and/or distribution of materials by non-employees on Elite's premises are prohibited at all times.

At all times, employees should try to use the phone and email (instant message) for internal communication and avoid getting up from their desk and interrupting other people's focus.

Our telephone communications are an important reflection of our image to customers and the Community. Always use proper telephone etiquette. The following are some examples of good telephone etiquette: use the approved greeting, speak courteously and professionally, repeat information back to the caller, and only hang up after the caller hangs up.

Camera Phones

Except with specific advance written authorization from management, the Company prohibits employee possession or use of cameras in the workplace, including cell phones with built-in cameras, as a preventative step necessary to secure employee privacy, patient confidences and other confidential business information.

Use of Electronic Devices

To provide for the safety and security of all employees and the facilities at and to assure proper attention on the job, the use of personal electronic devices is prohibited in work areas during working time. Restricting use of personal electronic devices helps maintain safety standards, safeguards employee welfare, and avoids potential distractions and disturbances that can cause injury, damage or quality issues.

Personal electronic devices include the following (for personal/non-business use) but are not limited to: cell phones, blue tooth and/or hands-free devices, iPod's, MP3 players, earphones, headphones, radios, tape players, CD players, cameras, heaters and/or fans.

Lap top computers that are not company issued are not permitted on company property.

If an employee is observed using any personal electronic device in work areas during working time, he/she will be disciplined immediately. Employees are responsible for the safety of themselves and others in the work place.

Authorized use of personal electronics is permitted during breaks or lunch in non work areas such as break/lunch rooms or designated break areas located around the facility or the parking lot.

The Company is not responsible for loss, theft or damage to any personal electronic devices.

Cell Phone Use

Personal phone calls during working hours distract employees from their job responsibilities and may be disruptive to coworkers. Employees should therefore limit the placing or receiving of personal calls during working hours to those required only in emergency situations.

This policy applies to the use of company phone equipment as well as cellular phones.

Employees are expected to inform friends and family members of this policy and will be held accountable for their actions under the company's disciplinary procedure.

Certain employee positions will be required to keep their phones on them due to business needs and demands.

ELITE HEALTH CARE CONSULTANTS INC
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Standards of Conduct

I. STANDARDS OF CONDUCT

All of the Elite Healthcare Consultants, Inc., (the agency) business affairs must be conducted in accordance with federal, state and local laws, professional standards, applicable federally funded health care program regulations and policies and with honesty, fairness and integrity. Employees should perform their duties in good faith, in a manner that he or she reasonably believes to be in the best interest of the agency and its patients and with the same care that a reasonably prudent person in the same position would use under similar circumstances. To further these overall goals, a number of policies or standards of conduct have been adopted by the agency.

A. EMPLOYEE HANDBOOK

The handbook given to each employee sets out several types of conduct which are unacceptable. These include:

1. Intentionally or knowingly making false or erroneous entries on reports, patient charts or other agency records.
2. Dishonesty.
3. Unauthorized alteration or destruction of agency records including patients' charts.
4. Coding or billing which violates Medicaid rules or regulations or other federal rules or regulations.
5. Behavior detrimental to the operation.

Other unacceptable conduct may be found in the handbook.

B. CONFLICT OF INTEREST

In order to perform their duties with honesty and fairness and in the best interest of the agency and employees must avoid conflicts of interest in their employment. Conflicts of interest may arise from having a position or interest in or furnishing managerial or consultative services to any concern or business from which the agency obtains goods or services or with which it competes or does business, from soliciting or accepting gifts, excessive entertainment or gratuities from any person or entity that does or is seeking to do business with the agency and from using agency property for personal or private purposes. Conflicts also may arise in other ways. If an employee has any doubt or any question about any of his or her proposed activities, guidance or advice should be obtained from the Director of Human Resources. The agency policy on and prohibiting conflicts of interest may be obtained from the Department of Human Resources.

C. CONFIDENTIALITY OF INFORMATION

A patient's health care record is the property of the agency and shall be maintained to serve the patient, necessary health care providers, the institution and third party payors such as Medicaid in accordance with legal, accrediting and regulatory agency requirements. The information contained in the health care record belongs to the patient and the patient is entitled to the protection of that information. All patient care information is regarded as confidential and available only to authorized users such as treating or consulting physicians and employees who may be providing patient care and to third party payors in order to facilitate reimbursement. The operations, activities, business affairs and finances of the agency should also be kept confidential and discussed or made available only to authorized users.

D. WORKPLACE ADMINISTRATIVE SEARCHES

To assist in providing a reliable, efficient and productive work force for the proper care of patients, to assist in providing employees with a safe working environment, to assist in the effective operation of the Compliance Program and to supplement the Drug and Alcohol Policy, directors may conduct unannounced administrative searches of agency premises, offices, work areas, property and equipment and the contents of such property and equipment. No employee should have any expectation of privacy on the agency property or in their offices or work areas including lockers, desks, cabinets, drawers, shelves or trash cans or in folders, envelopes or packages located on agency premises. In addition, searches of temporary space of live in aides at clients of the Agency may be subject to search at the discretion of the Agency as a result of a complaint of a patient whose property is occupied.

Personal possessions or materials should not be brought to work if they are of a sensitive or confidential nature. The agency policy on Workplace Administrative Searches may be obtained from the Department of Human Resources or designee. Other policies permit monitoring of and access to computers by directors. The use of computers, e-mail and access to the Internet must be reasonable and responsible.

E. FRAUD AND ABUSE

Employees shall refrain from conduct, which may violate the fraud and abuse laws. These laws prohibit (1) direct, indirect or disguised payments in exchange for the referral of patients; (2) the submission of false, fraudulent or misleading claims to any government entity or third party payor, including claims for services not rendered, claims which characterize the service differently than the service actually rendered or claims which do not otherwise comply with applicable program or contractual requirements; and (3) making false representations to any person or entity in order to gain or retain participation in a program or to obtain payment or excessive payment for any service.

F. BUSINESS ETHICS

Employees must accurately and honestly represent the agency and should not engage in any activity or scheme intended to defraud anyone of money, property or honest services.

G. FINANCIAL REPORTING

All financial reports, accounting records, research reports, expense accounts, time sheets and other documents must accurately and clearly represent the relevant facts or the true nature of a transaction. Improper or fraudulent accounting, documentation or financial reporting is not only contrary to agency policy, it may be in violation of applicable laws. Sufficient and competent evidential matter or documentation shall support all cost reports.

H. PROTECTION OF ASSETS

The agency will make available to the employee assets and equipment necessary to conduct agency business including such items as computer hardware and software, billing and medical records, both hardcopy and in electronic format, fax machines, office supplies and various types of medical equipment. Employees should strive to use agency assets in a prudent and effective manner. The agency property should not be used for personal reasons or be removed from the agency without approval from a departmental manager. An employee who believes that any medical equipment is not operating properly nor has an inaccurate calibration should immediately report the problem to his or her director.

I. ANTI-COMPETITIVE CONDUCT

The agency will not engage in anticompetitive conduct that could produce an unreasonable restraint of trade or a substantial lessening of competition. Evaluation of anti-competitive conduct requires legal guidance. Communication by employees with competitors about matters that could be perceived to have the effect of lessening competition or could be considered as collusion or an attempt to fix prices should take place only after consultation with legal counsel.

J. CREDIT BALANCES

The agency will comply with Federal and state laws and regulations governing credit balance reporting and refund all overpayments in a timely manner.

K. FINANCIAL INDUCEMENTS

No employee shall offer any financial inducement, gift, payoff, kickback, or bribe intended to induce, influence or reward favorable decisions of any government personnel or representative, any customer, contractor or vendor in a commercial transaction or any person in a position to benefit the agency or the employee in any way. Employees are strictly prohibited from engaging in any corrupt business practice either directly or indirectly. No employee shall make or offer to make any payment or provide any other thing of value to another person with the understanding or intention that such payment or other thing of value is to be used for an unlawful or improper purpose. Appropriate commissions, rebates, discounts and allowances are customary and acceptable business inducements provided that they are approved by Administration and that they do not constitute illegal or unethical payments. Any such payments must be reasonable in value, competitively justified, properly documented, and made to the business entity to which the original agreement or invoice was made or issued. Such payments should not be made to individual employees or agents of business entities.

L. ADDITIONAL STANDARDS

The agency has adopted a number of other agency wide policies and procedures. Employees may obtain copies in the Department of Human Resources. Additional standards and policies may be applicable only to particular departments and copies may be obtained from directors or directors in those departments. It is particularly important that coding, billing and submission of claims to Medicaid and other third party payors, be appropriate, accurate and in compliance with applicable laws and regulations. Standards relating to billing will be found in a later section of this Program. These Standards of Conduct apply to *all* employees, including supervisors, managers, directors and administrators. They also apply to temporary and contract employees and where practical to independent contractors doing business with the agency. These Standards are not intended to cover every situation which may be encountered and employees should comply with all applicable laws and regulations whether or not specifically addressed in the Standards.

Questions about the existence, interpretation or application of any law, regulation, policy or standard should be directed, without hesitation, to an employee's supervisor, manager or director or to the Compliance Officer mentioned in a later section of this Program. Because laws, regulations and policies are constantly evolving, this Compliance Program will be revised and updated as needed. Revisions will be communicated timely to agency employees. Failure to comply with the Standards of Conduct or to conduct business in an honest, ethical, reliable manner can result in civil fines or criminal penalties against the agency and its employees or disciplinary action by the agency, including termination. Directors are responsible for ensuring that their employees receive a copy of this Program and participate in mandatory training related to the Program.

M. FALSE CLAIMS ACT

The Federal False Claims Act is a law that prohibits a person or entity, such as the agency from “knowingly” presenting or causing to be presented a false or fraudulent claim for payment or approval to the Federal Government and from “knowingly” making, using or causing to be made a false record or statement to get a false or fraudulent claim paid or approved by the Federal Government. These prohibitions extend to claims submitted to federal health care programs, such as Medicaid. The terms “knowing “and knowingly” is having knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information and acts in reckless disregard of the truth or falsity of the information.

A person or entity found guilty of violation can be obligated to civil penalty up to \$11,000 plus three times the amount of actual damages. A person or entity can also find themselves excluded from the Medicaid programs if found in violation.

Note: A private person who brings civil actions for violations to the False Claims Act is entitled to receive percentages of monies obtained through settlements and is protected by the Non- Retaliation and Non-Retribution for Reporting Policy of the Compliance program.

New York State False Claims Act makes it unlawful to knowingly make a false statement or representation (or deliberate concealment of any material fact or other fraudulent scheme or device) to attempt to obtain Medicaid payments for services or supplies furnished under the New York State Medical Assistance Program. A violation of this Act can result in civil damages three times overstated amount or \$5,000 whichever is greater. The Agency or individual may also be required to pay civil monetary penalty to the Medicaid program if it was known that the services or supplies were not medically necessary, not provided as claimed, if the person requesting such was excluded from the program or the services or supplies for which payment was received were not provided.

New York State may also impose the threat of criminal prosecution who had the intent to defraud the State program a Class A misdemeanor punished in accordance with the penalties fixed by such law.

N. NON-RETALIATION AND NON-RETRIBUTION FOR REPORTING

The agency understands that employees may not report concerns if they feel that they will be subject to retaliation or retribution or harassment for reporting the concern. To reassure employees who wish to report concerns through the Compliance Line, or directly to the Compliance Department, a non-retaliation /non-retribution policy has been established. Directors, managers or employees are not permitted to engage in retaliation, retribution or any form of harassment directed against an employee who reports a Compliance concern.

Anyone who is involved in any act of retaliation or retribution against an employee that has reported suspected misconduct in good faith will be subject to disciplinary action. Employees have the responsibility to report, in good faith, concerns about actual or potential wrongdoing.

The agency is committed to a policy that encourages timely disclosure of such concerns and prohibits any action directed against an employee, manager or staff member for making a good faith report of a concern.

Any manager, director or employee who engages in retribution, retaliation or harassment against a reporting employee is subject to discipline up to and including dismissal on first offense.

All instances of retaliation, retribution or harassment against reporting employees will be brought to the attention of the Compliance Officer who will, in conjunction with Legal and Human Resources, investigate and determine the appropriate discipline, if any. If an employee reports a concern regarding his or her own inappropriate or inadequate actions, reporting those concerns does not exempt him or her from the consequences of those actions.

Prompt and forthright disclosure of an error by an employee, even if the error constitutes inappropriate or inadequate performance, will be considered a positive constructive action by the employee.

Compliance with and the promotion of the Standards of Conduct will be a factor in evaluating the performance of agency employees. Following the Standards of Conduct is not hard to do. Employees should not be apprehensive or frightened.



**ELITE HEALTHCARE CONSULTANTS, INC.
HANDBOOK ACKNOWLEDGEMENT**

I acknowledge that I have received the **ELITE HEALTHCARE CONSULTANTS, INC.** (the “Company”) Employee Handbook (the “Handbook”) and have read and understand the terms and conditions discussed in the Handbook. I have had the opportunity to ask questions about the policies contained in the Handbook. As a condition of my employment with the Company, I agree to comply with all the rules and procedures of the Company, as stated in this Handbook, and any other policy that may be issued to me during my employment. I understand that the Company has the maximum discretion permitted by law to interpret, administer, change, modify or delete the rules, policies, and procedures contained in the Handbook at any time. I will be notified of any changes to the Handbook by the Company and my continued employment with the Company after receiving notice of any changes to the Handbook policies will be deemed consent and agreement to comply with the new or revised Handbook policies.

I expressly acknowledge that I have read the Fact-finding and Issue Resolution (“FAIR”) Program terms and conditions, which requires me to submit any employment-related Claims to binding arbitration, and that I have to pursue such arbitration on an individual basis. I understand that the FAIR Program constitutes a binding agreement between the Company and me to individually arbitrate any claim. Any changes to the FAIR Program will be issued to me in writing and, before being bound to any such changes in the FAIR Program, I will execute a written agreement evidencing my consent to the changes in the FAIR Program.

I understand that nothing in this Handbook alters the at-will nature of my employment, as stated in this Handbook.

I understand and acknowledge that I may be terminated for violating any rules or procedures in this Handbook.

Employee Name (Printed)

Employee Name (Signature)

Date