



Acumen Fiscal Agent

Innovation • Opportunity • Freedom

EMPLOYER RESOURCE GUIDE

Montana

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WELCOME!

WELCOME TO SELF-DIRECTION! WE ARE GLAD YOU HAVE CHOSEN US TO BE YOUR FISCAL MANAGEMENT SERVICE (FMS)! WE FIRMLY BELIEVES IN SELF-DIRECTED SERVICES BECAUSE IT ALLOWS PEOPLE TO HAVE MORE CONTROL AND CHOICE OVER THE SERVICES THEY RECEIVE, WHEN THEY ARE PROVIDED AND WHO PROVIDES THE SERVICES. BY SELF-DIRECTING YOUR SERVICES, YOU HAVE OPPORTUNITY TO LIVE THE LIFE YOU WANT TO LIVE.

THE PURPOSE OF THIS HANDBOOK IS TO HELP EMPLOYERS AND THEIR EMPLOYEES UNDERSTAND THEIR ROLES AND RESPONSIBILITIES IN THE PROGRAM, OUR POLICIES AND PROCEDURES AND STATE AND FEDERAL RULES AND REGULATIONS FOR BEING AND EMPLOYER.

THIS GUIDE IS MEANT TO BE A RESOURCE FOR YOU. IF IT DOES NOT ANSWER YOUR QUESTIONS, PLEASE CALL US TOLL FREE 877-824-9356 FOR ADDITIONAL ASSISTANCE.

WHAT ARE SELF-DIRECTED SERVICES?

Self-Directed Services began in the 1970's, when people were being moved out of institutions and back into community life. It was founded on the belief that the person needing support and services knew what they needed better than anyone else, the decision to stay at home and in community life. Self-Directed Services respectfully recognizes the rights of people with disabilities and the elderly to live the life they want to live. Self-Directed Services gives the participant (person receiving services) choice, control, and independence.

Using Self Directed Services, the employer:

- Recruits, interviews, and hires employees
- Trains the employee
- Schedules the employee
- Decides what approved tasks the employee will do and when the participant wants them done
- Manages the employee day to day
- Terminates the employee if they are not doing a good job

INVOLVED PARTIES

In the MT SDEO Waiver program:

The **Employer** is the person who is responsible for hiring and training employee.

The **Participant** is a "person receiving services" and can be the employer of record.

A participant can choose a Personal Representative to assist him/her with employer tasks. The representative is not the legal employer and cannot be a paid employee.

The **Employee** is the person who is providing services to the participant. The Employee works for the participant/employer, NOT Acumen.

The **Case Manager** determines the participant's eligibility for services and conducts an assessment to determine the participant's service needs. The Case Manager will design a Plan of Care with the participant that identifies needed goods and services.

As the FMS, we contract with the State of Montana as a Fiscal Management Service provider (FMS). We set up the employer, process' payroll for the employees, provides reports to monitor service delivery and provides ongoing support with employer tasks. As the FMS, we support the employer with:

- Processing of employee paperwork.
- Determines employee eligibility including processing background checks.
- Collects and processes time sheets.
- Pay employees for time worked which includes processing taxes.
- Provides employer skills training.
- Broker and process workers' compensation and insurance.
- Produce monthly spending summaries and spending detail reports to track use of hours.

Other duties for each party are discussed throughout the guide. It is important to remember that the participant does not have to manage his/her services alone. The participant has lots of support including the representative, employee, Case Manager, and the FMS.

EMPLOYER RESPONSIBILITIES

State and Federal employment laws, rules and regulations must be followed. They are as follows:

ALCOHOL AND DRUG FREE WORKPLACE

An employee using or having alcohol or any illegal drug, in any amount, while working, is NOT allowed. Being under the influence of alcohol and drugs while working risks the safety of the participant and employee. Violating this policy can result in termination for the employee.

EMPLOYEE RIGHTS

All employees have basic rights in the workplace. These include the right to privacy, fair compensation, and freedom from discrimination. A job applicant also has certain rights even prior to being hired as an employee. Those rights include the right to be free from discrimination based on age, gender, race, national origin, religion, or sexual orientation during the hiring process. For example, a prospective employer cannot ask a job applicant if they are married during the hiring process. In most states, employees have a right to privacy in the workplace. For example, this right to privacy applies to the employee's personal possessions, including handbags, backpacks, or briefcases.

Other important employee rights include:

- Right to be free from discrimination and harassment of all types.
- Right to a safe workplace free of dangerous conditions, toxic substances, and other potential safety hazards.
- Right to be free from retaliation for filing a claim or complaint against an employer (these are sometimes called 'whistleblower' rights).
- Right to fair wages for work performed.

TREATING EMPLOYEES CONSISTENTLY AND FAIRLY

As an employer, it is important to treat employees consistently and fairly. If an employee believes you are favoring another employee, also known as preferential treatment, it can cause resentment and low morale among employees. Unfair treatment of an employee could possibly result in a lawsuit, this is why it is very important for the employer to understand that treating employees fairly is absolutely necessary in the workplace.

As an employer, you pay unemployment benefits and taxes for your employee(s) to the state and federal government. An employee can file an unemployment claim if they believe they lost their job unfairly. The employer and the employee will have to complete paperwork that is reviewed by Montana Department of Labor. If the employee's claim is founded, the employee will receive unemployment payments. Unemployment claims can affect your ER Burden, which will decrease the maximum wage you can pay your employees. That is why it is important to be fair and consistent with all employees, even if they are family members.

Fair treatment consists of:

1. Spend time getting to know each employee and establishing a relationship with each.
Everyone is different and you will learn each of their strengths.
2. Establish clear policies for lateness, attendance, and other workplace issues. If someone is late to work more than one time what is your response? Your response should be consistent with each employee.
3. Give your employees regular feedback about the work they do both verbally and in writing.
Giving feedback helps the employee know they are doing what you want them to do and will help them improve. If you have given verbal feedback to an employee about what you expect from them and the behavior continues, you may want to put your expectation in writing. If you need to dismiss them from employment at a later date you have documentation to use if the employee files for unemployment.
4. Staff should be aware that employee pay, and tasks assigned are based on experience, not because of favoritism.
5. Expressing your appreciation for what employees do makes for happier employees!
Compliment them on their performance.
6. Listen to an employee's concerns when they make you aware of possible favoritism among other employees and take the proper steps to correct the situation.

WORKPLACE HARASSMENT

As an employer, you have a responsibility to keep the workplace free of harassment. Harassment goes against the basic standards of conduct between individuals and is prohibited by Title VII of the Civil Rights of 1964, the Equal Opportunity Commission and State regulations. The technical definitions are below:

Any verbal, physical or visual conduct or action that belittles or shows hostility or dislike towards any individual because of race, color, religion, gender, national origin, age, disability, physical features, creed, marital status, sexual orientation or status with regard to public assistance and which has the purpose or effect of creating an intimidating, hostile or offensive workplace, interferes with an individual's work performance or otherwise negatively affects an individual's employment opportunities.

Unwelcome sexual advances, requests for sexual favors and/or all other verbal, physical or visual conduct of a sexual or otherwise objectionable nature where submission is made explicitly or implicitly a term or condition of obtaining or continuing employment or is used as the basis for making employment decisions or has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile or offensive work environment. Sexual Harassment includes third-party situations in which an individual is offended by the sexual interaction, conduct or communication between others.

Employee's Responsibilities

An employee may at any time file a complaint if he or she believes harassment has occurred with the Montana Department of Labor. Retaliation or intimidation directed towards the employee by the employer once a complaint is made will not be tolerated and can result in penalties.

WORKERS COMPENSATION INSURANCE

As the FMS, we offer Workers Compensation to the participant's employees. This means the employee's medical costs are paid for if injured on the job. The employee may also be paid for time they cannot work, if injured on the job. If an employee is injured on the job, he or she **MUST** first report the injury or accident to the participant first. Then the employee should call the Employee Injury Line at 866-472-2297. Please call as soon as possible. If the employee waits too long to report the injury, the injury may not be covered by workers compensation. It is important to report all injuries, even if they are small, like a cut finger when preparing a meal. An injury, regardless of if large or small must be reported.

It is also important to report injuries that occur out of work by calling the office right away. Precautions may need to be taken while working to avoid worsening the injury or risking the safety of the participant.

As the FMS, we provide the employer with employee training materials to promote a safe working environment. Encouraging the use of safety tips could help prevent injury to employer and employee.

WORKER INJURY REPORTING

Please follow these steps:

1. Get medical help if needed.
 - If the injury is serious and life-threatening, call 911.
 - If the injury needs medical treatment (but is not life-threatening), the employee should get to an urgent-care clinic or doctor's office. If the employee cannot get to a clinic or a doctor's office, go to the emergency room.
2. Call 866-472-2297. The employee must call as soon as the injury or illness happens, even if it doesn't seem serious.
3. Please tell the participant (employer) of the injury or illness before you leave work.
4. In addition, the employee must report injuries that occur away from the workplace to 866-472-2297. This is to ensure the employee's safety. We want to make sure that the injury will not worsen by working.
5. Drug Testing. The employee will be asked to take a routine drug test at the medical examination. This is to ensure that all workplace rules are followed.

WORKPLACE SAFETY

The participant and employee are responsible for:

- Maintaining a safe and healthy work environment.
- Following all federal, state, and local health and safety laws and requirements.
- Reading and understanding the employee training materials given to each employer.

Both the participant and employee should:

- Always follow correct practices and procedures so that injury, illness, and damage to property is avoided. Please report any unsafe conditions immediately to the Consultant, Adult Protective Services, or the authorities, when appropriate.

MEDICAID FRAUD

The monetary funds for services that the participant receives come from the state and federal government. Intentional abuse of Medicaid funds is against the law. If a participant or employee is suspected of Medicaid fraud, it must immediately be reported to the State of Montana Fraud Hotline at (800) 201-6308 and the FMS must be informed.

Examples of participant (employer) or employee fraud and abuse of Medicaid funds are:

- Recording and billing for tasks or procedures and time worked when they were not done
- Writing down more time than was actually worked on a time sheet
- Accepting pay for time that was not worked
- Changing another person's time sheet or paperwork
- Forging an employee's or participant's signature on a time sheet or paperwork
- Performing tasks that are not approved on the Plan of Care and recording it on a time sheet
- Suggesting or helping a participant get services or supplies that are not required for the person's disability
- A caregiver providing poor service to a participant and billing for the time.

- “Padding” time sheets... such as showing up late or leaving early and writing down more time than actually worked, or taking a break and not subtracting break time when the time is recorded

If you realize you have made a mistake on a time sheet, call the FMS right away. The FMS staff might be able to fix the error before they bill for the services. If not, they can fix the billing and note that a correction was made. A mistake is not fraud if it is reported right away.

If you think a participant, an employee or the FMS is suspect of fraud, please contact the Montana DPHHS Fraud Hotline at 800-201-6308.

ABUSE, NEGLECT AND EXPLOITATION

Montana law protects disabled adults of any age from abuse, neglect, and exploitation as stated by the Montana Attorney General. The law protects “vulnerable adults” and children from abuse, neglect, and exploitation. A “vulnerable adult” is defined to be an elderly person or person with a developmental disability.

The different types of abuse are:

- **Physical Abuse** includes hitting, slapping, pinching, kicking and other forms of aggressive behavior. If an employee does something that causes physical pain, it may be physical abuse. For example, a participant spills his milk while eating. The employee slaps him.
- **Verbal Abuse** means any time an employee uses spoken or written words or gestures that are meant to insult, attack, or make the participant feel bad. For example: you forget to take your pills and your employee says, “You are so stupid.”
- **Psychological Abuse** happens if an employee uses actions or makes statements that are meant to humiliate, threaten, or cause emotional harm. For example, your employee continually tells you, “You are worthless. You do not deserve me being nice to you.”
- **Sexual Abuse** includes any unwanted sexual annoyance, touching, fondling or attack.
- If a participant feels uneasy about a sexual advancement it may be sexual abuse. For example, an employee fondles a participant when changing his/her clothes.
- **Neglect** means an employee is not meeting the participant’s basic needs for food, hygiene, clothing, or health maintenance. Neglect includes repeated acts of carelessness. For example, a participant is authorized to receive a bath three times a week and the caregiver has not given her one in two weeks.
- **Exploitation** happens when the employee lies or scares a participant in order to take or use property or money for him or herself. Examples are a caregiver telling a participant that they are taking his car to the shop and driving it around town for a few weeks or convincing a participant to add an employee to her bank account.

If you feel like an employee is not treating you well or taking advantage of you, you should talk to them right away. This may keep the behavior from worsening.

- The participant should tell the employee the actions and behaviors he or she does not like.
- Tell the employee if the behavior does not stop right away her employment will be terminated

DO NOT put up with mistreatment. Protect yourself. Safety is the priority. If you feel you are being mistreated, you can make a referral to Montana Adult Protective Services (APS) by calling the APS Hotline at 1-844-277-9300. Also notify your Case Manager or your FMS right away. If you feel threatened and may be harmed, call 911.

There are some things the participant can do to protect him or herself:

1. Check References for employees - even if the person seems nice! Three (3) references are recommended.
2. Let applicants know there is a background check - an abuser may change his/her mind with applying when they know this occurs.
3. Let the employee know from the start that abusive or unsafe behavior will not be tolerated. If such behavior occurs, the police WILL be called.
4. Make sure employee(s) know you are supported by family and a number of friends.
5. Solve problems early. Do not let emotions build.
6. Do not minimize employee behavior that you do not like or is uncomfortable.
7. Tell other people if you are feeling unsafe or threatened.
8. Do not think the situation will just go away. Deal with it right away.

HOW TO RECOGNIZE POTENTIAL ABUSE

- Does the employee ignore instructions and requests?
- Does the employee make mistakes and then blame other people?
- Does the employee ask personal questions and try to get information unrelated to care, such as your financial situation?
- Does the employee eat the participant's food without asking?
- Does the employee make unwanted and critical comments about the participant's appearance, weight, clothing, speech, eating habits, etc.?
- Is there less money than expected in the participant's wallet, purse or account?
- Are there unfamiliar charges in the participant's checking or credit card account?
- Does the employee attempt to control the participant's choices, such as what to wear or eat?

If the answer to any of these questions is "yes", there may be potential for abuse.

All persons involved in the life of the participant should be watchful of suspected abuse, neglect, exploitation, or self-neglect. If the participant tells of an incident of abuse or has concerns, the FMS expects that the employee will report it.

The following acts should be reported to the appropriate authorities immediately:

- Threatening or causing harm to a participant or a member of the participant's household with physical, sexual, mental abuse or coercion
- Exploiting a participant for financial gain or continuing to allow an employee to work who has exploited a participant for financial gain
- Theft of medication, money, property, supplies, or equipment
- Failing to report a theft, as described in this section
- Allowing an employee who is under the influence of alcohol or drugs to work with a participant. Working with a participant who is under the influence of alcohol or drugs and the employee is unable to complete the job without jeopardizing participant safety.
- Violating, or knowingly allowing an employee to violate state or federal laws regulating prescription drugs and controlled substances, including forging prescriptions and unlawfully distributing prescriptions
- Performing, or allowing an employee to perform tasks beyond that employee's professional training
- Violating the disclosure of information provisions of the Health Insurance Portability and Accountability Act of 1996
- Discriminating, or allowing an employee to discriminate, on the basis of race, religion, color, national origin, ancestry, or sexual orientation in the provision of care to a participant

Documents and Record-Keeping (online time entry/time sheets)



Participants and employees maintain weekly online timecards (or paper time sheet) for each participant receiving services. Online timecards and paper time sheets are **legal** documents that track actual hours worked. They must contain:

- Name of the participant and employee
- Days of the week and dates that services were provided
- Time in and time out (start and stop times)
- Service code from Individual Plan of Care
- Legal signature from participant and employee (paper time sheet only)
- Total hours worked

As the FMS, we will issue payment to the employee on behalf of the participant biweekly (every two weeks) following submission of accurate online time entries (or paper time sheet). Timecards must be received by midnight on the payroll due date listed on the payroll schedule. Submittal of work-time records after this deadline may result in a delay in payment, in which case payment may be issued the following week on a non-scheduled pay date or the next pay period, based on the circumstance.

Submitting time online is the best method of time entry. It is more efficient and accurate. Relying on faxing or the mail to submit time sheets may sometimes result in payment delays if not received on time.

Employees can make corrections to online timecards any time prior to the entry being reviewed and the correction can be approved by the participant. For paper time sheets, corrections can be made by drawing a single line through the error, entering the correct information nearby, and having both the employee and the participant initial the change.

Incorrect or incomplete submission of online timecards/paper time sheets will need to be resubmitted with corrections, which may result in **delay of pay**.

If you have any questions at all about time entry, please call the office. We want to make sure your employees are paid right and on time!

WORKING HOURS AND PAYROLL

It is important that employees work all hours as scheduled by the participant. Hours are not always guaranteed because a participant's health condition could change. An employee's position is classified as "temporary" because the work is not guaranteed. The participant will determine tasks that the employee will do, and the work based on the participant's current Individual Plan of Care.



The FMS pays the employer and employee taxes. All employers are responsible for paying both federal and state taxes. This is calculated when the employee's wage is determined and is paid for out of the reimbursement rate for personal care or respite services. The FMS will calculate and deposit the employee's taxes as required by law.

The FMS issues pay on behalf of the participant through direct deposit to the employee's bank account or by pay card every other Friday, according to our Payroll Schedule. Paper checks may be issued but are discouraged because of unreliability of mail. Paystubs, which summarize the employees pay are sent to the employee's address on file. The participant also has access to pay information, through their online account.

W2's issued to all employees by the Federal date (often January 31) for the previous year.

CONFIDENTIALITY AND DISCLOSURE

Employees must keep all information concerning the participant's medical care and the services received confidential. This is true even if the employee is a family member! It is a violation of HIPPA (Health Information Privacy and Portability Act) to reveal any protected health information (PHI) about the participant to anyone without the participant's permission. Exceptions to confidentiality are made when reporting concerns of abuse, neglect or exploitation as required. This includes the following situations:



- If an employee is worried that a participant has threatened, or poses a threat to, the physical safety of another person, with intent the threat may be carried out.
- The employee believes the participant is at risk of immediate harm.
- The employee believes the participant is being abused, neglected, or exploited.

If a participant/employer has concerns that their employee has breached confidentiality, call your Case Manager or FMS to discuss. Terminating an employee for this violation is warranted. The employee is a mandatory reporter and must report any of the above to the appropriate authorities immediately. It is the law.

Notifications to Your FMS

The participant must let the FMS know within one (1) business day of the following:

- Changes in an employee's status
- If the participant terminates an employee
- If an employee resigns
- If an employee is charged with a felony
- If a participant is hospitalized and the dates
- If the participant loses Medicaid coverage
- A change in Personal Representative

Participants and employees must notify the FEA as soon as possible but no longer than (5) five days:

- Name change
- Address change
- Phone number change

The FEA is not responsible for sending mail or issuing checks with the wrong name on it, etc. if not informed of addresses changes.

TERMINATION OF SERVICES

Services may be terminated by the FEA or the participant.

By the FEA

The FEA may terminate the working relationship with a participant if the participant is not following state and federal regulations or the program processes or the FEA is worried that services are putting the participant's health and safety at risk.

The FEA will not terminate services without offering additional training, encouraging the use of a personal representative and talking with the participant's Consultant. The FEA will provide advance written notice of termination to the participant based on the FEA policy.

By the Participant

The participant may decide that the self-directed option is not for him. The participant may choose to terminate services at any time; however, 30-days prior notice is preferred. This allows the FMS to pay the participant's employee(s).

Freedom of Choice and FEA Transfers

The FMS will work very hard to provide good customer service. If you are unhappy with our services, please let us know right away so we can fix the problem. Participants have the right to choose a provider agency. The participant can contact their Case Manager if they wish to transfer to another agency. The FMS will send the appropriate documentation to the agency transferring too.

EMERGENCY PLANNING

Emergency planning is a good idea for everyone. Having a plan for dealing with different types of emergencies, such as: medical emergencies, hospitalizations, fires, power outages, severe weather, and other natural disasters help keep the participant safe and minimize any injury or damage.

THINGS TO CONSIDER WHEN MAKING A PLAN:

- Make a list of people to contact for each type of emergency.
- Make a plan on how to contact family and employees if there is a power outage or natural disaster.
- Make a list of medications and/or equipment to take if it's necessary to evacuate.
- Organize medical information, emergency contact information and, if applicable, living will information, and place it all together in an easy to access location.
- Store extra food and water in case of a severe weather emergency or other natural disaster.
- Have other items needed handy such as a flashlight, blankets, etc.

THINGS TO CONSIDER WHEN MAKING A PLAN (CONTINUED):

- Discuss with and include employees in emergency planning. It is helpful to keep emergency information near the telephone. Show the employee this list and talk about an emergency plan during orientation and training.
- In the event of an emergency review with your employee what they need to do, who should he or she call, or where should he or she take the participant?
- Some fire departments have special stickers to put in the participant's window to let them know of a disability. Then the firemen can plan for a special evacuation, if necessary.
- What are the evacuation routes and who should be called?

DCI

DCI is a secure website for participants and employees to enter work time for employees, to view reports that help you know budget spending and to print necessary forms. DCI is located on the FMS website www.acumenfiscalagent.com/state/montana/ You must set a password to login. If you do not have a login, please call us to set one up.

It is best to bookmark or save on your desktop, www.acumenfiscalagent.com/state/montana/ so it is easy to get too. As your FMS, we will post messages on the website of things you need to know about so make sure you check it regularly. Accessing DCI allows you to:

- **Timecards:** Online time entry with participant approval provides is an easy way to enter time into our payroll system. The electronic timecard also provides information on the status of all time and payroll entries for the year.
- **Reports:** There are a few reports located here that will help the participant know monthly spending. It is very important to not overspend, which the participant can avoid by not paying overtime.
- **Forms and Materials:** Employer and employee forms and FMS materials are stored here.

You will be given instructions on how to login to DCI and directions for entering time and viewing reports at enrollment. Directions are also available on the website.

COMPLIMENTS, COMPLAINTS AND GRIEVANCES



As the FMS, we want to hear from participants and employees alike about services provided. Making a phone call to tell us how we are doing, well or not so well, is always appreciated. Your feedback is important and helps improve what we are doing!

COMPLAINT AND GRIEVANCE PROCEDURE

If a participant or employee has a complaint about the services received from the FMS, please report it immediately. The earlier it is talked about it the better, so things do not build up. A complaint may be made verbally, by calling, or in writing by email or letter.

As the FMS, we will respond to all complaints promptly. Our goal is to find a positive solution to resolve the problem. The complaint will be addressed within a maximum of five business days by the State Manager. If the participant is not satisfied with the resolution of the complaint, the next step is to talk to the next person in charge. The participant can ask the person working with them who that person is. The participant's complaint or grievance can go up the chain to the Chief Executive Officer to reach a solution, if needed.

If the participant feels that the FMS has not addressed the complaint to their satisfaction, a complaint may be filed with the Consultant.

A grievance should be filed if the participant feels their rights have been violated or FMS policy has not been followed in a situation. Grievances are fully investigated by the FMS administrative staff. Any grievance that is reported to the FMS will be investigated and resolved timely, you will be notified of the resolution.

INFORMATION FOR COMPLETING EMPLOYER TASKS

People who choose to self-direct their care may not have been employers before. This section provides information how to interview, hire, train and manage employees. If hiring a family member, some of the information may not apply. For example, the participant may not interview a family member or get references because she knows them well.

There are other tasks as an employer that you will want to perform though if the employee is a family member. Because you are the employer you still need to treat the family member as an employee. It is sometimes hard to maintain employer boundaries with family members, but it is important. Orienting and training them to tasks and treating them fairly and consistently is very important.

RECRUITING AND INTERVIEWING

Recruiting employees may be challenging. Finding a good caregiver that you trust is important. Ideas for recruiting or advertising are:

- Create an advertisement on a sheet of paper and hang it at the local job service/employment office, grocery store, laundromat, church, community college or university, social service agency, community

- Advertise in the local newspaper, weekly advertising guide or other newspapers. This sometimes costs money so investigate before you commit
- Advertise on Craig's list, use caution when using public sites, safety first

Call these places first, find out who to talk to and ask about their rules for posting flyers or placing an advertisement. Also, protect personal information when advertising. Include a phone number for the interested party to call but not your address. You can give more information about yourself when the interested person calls. Describe briefly what is needed.

Example:

Caregiver needed to assist with shopping, preparing meals and other light household tasks. M,W,F 10am-1pm.

CALL 555-555-1212 if interested.

- Spread the Word - Telling family, friends, and other participants that you are looking for an employee may help identify a worker. Sometimes other participants have employees who want to work more hours or who are willing to fill in.
- Let your Case Manager know. They may know of other participant's employees who are looking for more hours.

SCREENING JOB APPLICANTS

It is illegal to ask people certain questions. The information learned can be used to discriminate against them. **Questions that cannot be asked when screening or interviewing an applicant:**

- How old are you?
- What is your native language?
- Are you married?
- Do you have any children?
- Have you ever been arrested?
- What church do you attend?
- What is your religion?
- Do you belong to any clubs or organizations?
- What is your credit rating?
- Do you own or rent your home?
- In what country were you born?
- When were you born?
- Do you have a disability or medical condition?
- Are you a republican or democrat?
- What are your family members' names?
- What is your race?

It is a good idea to talk with an applicant by phone before you interview them. You can tell them about the position and what you need from them. Letting them know the schedule, amount of hours and hourly pay rate may help the applicant decide if the job is right for them. Screening an applicant helps you and the applicant know whether you want to schedule an interview.

Review the criteria for being an employee:

- Must be 18 years of old
- U.S. Citizen or legal alien authorized to work in the U.S.
- Submit to a background check and not have any barrable offenses
- Be able to communicate clearly with you

INTERVIEWING

An interview allows the participant/employer to meet the applicant and decide if she or he is the right person for the job.

It is best to schedule an interview in a place other than your home. This is for safety reasons. You also may want to bring another person with you to get their opinion.

Have a list of questions prepared that you want to ask and ask the same questions of each person. It helps to write down answers, so you remember what they said. Open ended questions are encouraged. They are questions that cannot be answered with a “yes” or “no” and give you information about the candidate.

Sample Questions:

- What is an accomplishment you are proud of during the last few years?
- What interests you about this position?
- What are your career goals?
- What are your strengths and weaknesses?
- What are your interests?
- Tell them about what you need them to do...Are you comfortable with and can you perform these tasks (be honest with what you need them to do so they are not later surprised)?
- Ask specifics about their skills. For example, ‘I need help making meals. How do you rate your cooking skills on a scale of 1 to 5?
- Make sure they can perform all tasks. While you cannot ask the candidate if they have a disability, you can ask, “Is there anything that keeps you from doing the job I described?”
- For health reasons, I cannot be around cigarette smoke. Are you a smoker?

If you have a pet, let them know to learn if they have allergies or are uncomfortable with it. There are lots of ideas for questions on the internet if you want more ideas. It is also good to let them ask you questions about the job to improve their understanding of what you need.

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Signs to be concerned about:

There are things you may notice during an interview that make you uncomfortable. If you have feelings of uncertainty, it is a sure sign that you should not hire the person.

- They come late for the interview
- They do not make eye contact with you or do not seem to listen to you
- They are unkempt (hair dirty, clothes ragged and unclean)
- They ask you personal questions (do you live alone? What is your address?)
- They use inappropriate language
- They make comments about things that are offensive to you

Offering the position - Once interview is done, it is time to decide on the best candidate. Who is the best fit for you? When you offer the position, remind the candidate of the schedule, start date and rate of pay. Get their acceptance of the position before you tell them your address and where to report to work.

Set an appointment to complete employee paperwork and remind them what they need to bring to the appointment. Provide them with the “List of Acceptable Documents” that is in the I-9 packet you will filling out. All documents must be UNEXPIRED documents. You cannot ask them to bring any particular documents, they can offer which ones they choose to present.

- Choose from “List of Acceptable Documents” either List “A” OR Lists “B” and “C”.
- Social Security Card (for payroll)
- Voided Check for direct deposit

BACKGROUND CHECKS

Employers may choose to waive the criminal background check for employees who will only provide respite services. The Self-Directed Employer Option (SDEO) program requires all other workers to have a criminal background check completed through the Montana Department of Justice (MT DOJ). It is highly recommended that criminal background checks be run on all employees. You retain the right as an employer to request a criminal background check at no cost to you. If you choose to hire an employee who has been convicted of any crime, you will be required to sign a waiver form acknowledging you are aware of the conviction and are still choosing to hire them.

HIRING EMPLOYEES

The Employer is responsible for hiring and completing paperwork for new employees. The paperwork must be completed before an employee can begin work. The packet contains both federal and state forms. Some of the forms need the employer's signature so please read through them carefully.

The FMS will assist the employer if they need help with any of the employment forms. In addition, each employee must complete some trainings before they can begin work. Depending on the service, CPR/1st Aid and College of Direct Support Trainings will need to be completed.

All of the forms must be completed accurately and returned to the FMS for processing and the eligibility checks completed before an employee can begin work. The employer will be contacted when the employee can begin work.

New Employee Packets

All employment forms, including a complete Employee Enrollment and Hiring Packet are located on the website. You can also call the FMS office to have a packet mailed to you, if needed.

Completing the Employee Packet

As the employer, the participant is required to ensure the employee packet is completed. Please double check that the packet is filled out completely. There are directions in the packet on how to fill out each form. Incomplete packets will be returned to the participant and may delay the employee starting work.

An employee cannot begin work until each form in the packet has been completed and the Background Clearance received. The FMS will notify you in writing when your employee can begin work. Hours worked prior to receiving approval will not be paid.

REMEMBER: Contact the FMS if you need help completing a packet, if you are having problems with an employee or if there are any changes for employees.

ORIENTATION AND TRAINING

On the employee's first day of work an orientation will be presented, to explain the position and discuss your expectations. Give the employee a tour of the house, show them where items are that they will need to use are located and outline job duties.

It is important to:

- Be very clear about job duties.
- Organize paperwork, training materials, etc.
- Prepare: If the employee will be grocery shopping, think about how to get groceries, what you need them to buy, how they will pay for groceries, the need to keep receipts, where to shop, etc.
- Set the work schedule.
- Identify house rules they need to know about.
- Let them know about how to dress for the job.
- Let them know consequences if they are late or do not show for work.
- Give a tour so the employee knows where supplies are located.
- Tell the employee about any areas of the home that are off limits.
- Show the employee where emergency exits are and where the fire extinguisher is located.
- Identify where emergency numbers are located and explain what to do in an emergency situation.
- Explain the participant's disability - is there anything specific the employee should know (i.e., food allergies, blood sugar issues, forgetfulness?)

Protecting the health and safety of the participant is essential. Below are important orientation topics to discuss with a new employee:

- Review safety procedures for completing lifts and transfers.
- Discuss safety guidelines for any disability-related equipment the employee will be expected to use.
- Review safety guidelines for any household appliances or equipment the employee will be expected to use.
- Discuss emergency protocol.
- If the participant is not able to open the door, how will the employee get in?
- Remind of the importance of washing hands thoroughly before preparing food, and before and after personal care duties.
- Discuss the use of plastic gloves and where they are stored if preferred. Let him or her know if there is a sharps container and the plan for disposing sharps.

Be clear with expectations:

- Explain your rules regarding use of the phone, car, washing machine, computer/printer and eating the participant's food. State these rules clearly at orientation. It is always better to state the rules than to wait until after something has happened.
- Tell the employee the rate of pay, explain when time sheets are due and when the employee will be paid. The rate of pay is identified on the Employer- Employee Agreement.
- Let the employee know your response to poor performance like being late for shifts, not completing job tasks, etc. That way they know what to expect and they are not surprised by your response.
- Remind the employee of the importance of confidentiality. What the participant (employer) says and does while the employee works should remain confidential. The help being provided by the employee is personal and should not to be discussed with friends, family members or other individuals they may work for. The employee should be reminded that violating confidentiality can be grounds for termination. Having the employee read HIPAA guidelines when they begin work will help familiarize them with the law.

Confirm the Work Schedule

The work schedule helps the employee know what days of the week and times he or she needs to work. The Care Advisor confirms the schedule with the participant and any changes in schedule must be approved by the Care Advisor.

If the employee wants to take time off what procedures must be followed? It is not unusual for an employee to be sick or want vacation. For this reason, it is good to have a back-up employee.

A back-up employee is an employee who is paid for working when your regularly scheduled employee is unavailable. If you have two employees, they can be back-up for each other.

Record Keeping

- The employee is expected to document work time on a time sheet (online or paper).
- The employee will also keep a daily log of tasks completed. This documentation can be helpful to show that the tasks listed on the Individual Plan of Care are being completed.
- The employee should report any critical incidences to the Care Advisor immediately and document what occurred,

MANAGING EMPLOYEES

Treat employees how you would like to be treated. This is called mutual respect. Managing and supervising employees requires that the participant be direct with communication, create a good working relationship, give positive and constructive feedback, deal with conflict and evaluate the performance of the employee. How the participant manages and supervises employees affects how long they will work; how happy they are working and the quality of the services they provide.

Working with an employee that provides in-home services is different from other working relationships. Most other employer/employee relationships do not involve such personal contact. In order to be a good supervisor and be sure that care needs are being met, the participant will have to be direct with communication and assertive. This means the participant will have to be comfortable expressing needs, preferences and how he or she wants things done. It is sometimes challenging to be direct and assertive with family members who are employees because of the existing relationship. The participant or the participant's legal guardian is the employer though and the family member needs to respect that. The same is true if the employee is a friend.

How the participant communicates with the employee is a big part of the success of the employer-employee relationship. Being assertive and direct with communication means:

- Being respectful
- Explaining care needs
- Being clear with what you like and dislike
- Expressing thoughts, opinions, and appreciation

Another good communication strategy is to use “I statements” to give feedback to an employee. For example, “when you do _____, I feel _____.” This communicates the effect of the employee's behavior on you and does not personalize the feedback.

SUPERVISING OTHERS

Being a supervisor involves teaching and coaching the employee. This will help the employee to do a good job. If the employee is doing the job well, compliment him or her. If they are not doing the job right, the participant needs to give the employee suggestions for what they could do differently to make it better.

Feedback about how the employee is doing should be specific. The best kind of feedback is positive feedback. Complimenting the employee, thanking him or her and showing appreciation will keep the employee's respect. If the participant is unhappy with how the employee is doing something, tell or show the employee how to do the task differently. For example, “This meal is so good. Will you make it again?” or “I feel safer when you grab onto my belt to help me walk.”

SUPERVISING OTHERS (CONTINUED)

The participant/employer tries to:

- Get to know the employee.
- Create a positive work atmosphere.
- Indicate belief (confidence) in the employee.
- Explain the rules clearly and expect they are followed.
- Explain the consequences of breaking the rules.
- Be consistent in how the participant responds to each employee.
- Avoid demanding or commanding. Ask by saying “please”.

CREATING A GOOD WORKING ENVIRONMENT

Most employees stay with a job because they like who they are working with, and the job is rewarding. Below are some ideas for creating a good working environment:

- Treat employees with kindness, fairness, and respect.
- Be constructive with feedback (focus on the behavior, not the person).
- Keep communication open.
- Discuss problems as they arise.
- Avoid taking out frustrations on the employee.
- Use a sense of humor.
- Be flexible when possible (If the employee asks to come in a few minutes late because they have something important to do).
- Express appreciation for the work the employee is doing.
- Check in with the employee about how he or she likes the job. If the employee is unhappy, you can talk about it with them.

A positive work environment will help the employee be happy, productive, and motivated to work. Good communication between the participant and employee is the key to a good working relationship. If the employee is happy working with you, they will stay longer and do a better job.

RESOLVING CONFLICT

Conflict is a natural part of any relationship. People are different from each other which is why conflict arises. Conflict itself is not a problem. It is how people deal with the conflict that is the problem. Most people are uncomfortable with conflict, so they avoid it. That is the worst thing to do! It is best to deal with problems as they come up. Remember to keep emotions in control. If the employee has done something that makes you angry, wait until you cool off to discuss.

When resolving conflict, it helps to use a step-by-step process to resolve the problem.

1. Identify the Problem

You may have a problem with something the employee is doing but they do not know it, like playing the music too loudly when cleaning. The employee may have a problem with you that you need to know about. For example, the employee thinks you can do more to help prepare a meal than you do.

2. Define the Problem

Ask open-ended questions and use active listening to get a better understanding and definition of the problem. Try to identify whose responsibility it is to solve this problem?

Examples include: A employee who listens to music when cleaning is the participant's problem because the employee cannot hear when the participant might need him or her. It is also irritating to the participant. The employee is frustrated because she thinks the participant could help more when making meals. Even though the participant is receiving in-home services, she should always try to do tasks that she can do. This is the employee's problem.

When solving problems, each person involved should have input, but whoever 'owns' the problem should make the final decision.

3. Generate Solutions

Everyone involved should suggest solutions. Do not criticize any suggestions at this step. Think of as many ideas as possible. Write them all down, no matter what it is. The participant decides on an acceptable music level, or asks the caregiver to wear headphones, if safe to do so. The employee identifies tasks the participant can do to help and includes them more in the meal making process.

4. Discussion and Evaluation

Discuss the positives and negatives of each solution suggested. Writing out a list of the good and bad can help in the evaluation process.

5. Select a Solution

Decide on the solution that will best solve the problem.

6. Make a Plan

Agree on who will do what, where, when, and how to solve the problem.

7. Evaluate the Solution

Set a date and time to discuss whether the solution is working and revise the plan as needed.

By facing problems right away, working relationships can be strengthened and improved. Solving problems builds trust.

CORRECTING THE ACTION OF EMPLOYEES

When an employee is not following the participant's work rules or not performing tasks correctly, it is important to give feedback. Constructive feedback, not critical, is best. Constructive feedback is about performance and behavior and is not about the person.

For example:

- Constructive: "You were late for work. I need you to be on time because I cannot get out of bed without you."
- Critical: "You are very irresponsible."

Using a 3-step process called "progressive discipline" to help employees understand that their work must be improved or corrected. The steps are:

1. Verbal warning
2. Written warning
3. Job termination

This process gives the employee opportunity to improve at each level. If they do not and the problem continues the next level is used. If there is still no improvement, the participant will need to think about whether he or she wants them to continue working.

Put the feedback in writing (even if a verbal warning). The employee cannot deny that they heard the feedback if they sign a note. The documentation also helps if the employee later files for unemployment.

When giving feedback, it is also important to identify what the employee can do to improve. The problem-solving steps explained above may be helpful to use.

PAY REMINDERS

Paying employees accurately and timely is most important. The FMS relies on the participant to make sure time sheets are submitted on schedule.

- Pay periods are every two weeks.
- A pay period begins on a Sunday (12am) and ends on a Saturday (11:59pm).
- Time sheets are due according to the payroll calendar. Entering time via the web portal or by phone can be entered daily BUT must be entered by the date on the payroll calendar.
- Late time sheets may result in late pay for the employee.
- Paydays are every other Friday.
- Both pay periods and paydays are identified on the pay schedule which you receive at enrollment. It is also located at [MT SDEO AND SDEO-V JULY 2023 TO JUNE 2024 PAY SCHEDULE.pdf \(acumenfiscalagent.com\)](#)
- If an employee quits, the final check will be paid according to the pay schedule.
- When an employee is terminated (fired), wages owed will be paid within three working days of termination (not including weekends and holidays).
- An employee will be paid within three working days if an employee no longer works because the participant is not receiving fiscal services through the FMS.
- An employee will not be paid for hours worked or tasks performed that are not authorized on the Care Plan. If the participant has the employee work hours that are not authorized on the care plan or do tasks that are not approved, he or she may be responsible for payment.
- Over time pay must be authorized by the Care Advisor. Over time pay leads to overspending of the participant's budget. It is important to closely manage hours, so the participant is not left with service.

If the FMS makes a mistake with paying an employee, PLEASE let us know right away. We will fix the pay immediately.

Remember that the FMS is not the employer. The participant or the legal guardian is the employer and may be responsible for the employee's pay if the budget associated with the care plan is not managed properly.

TERMINATING DIRECT SERVICE WORKERS

An employee may choose to end their employment with the participant, or vice versa. If an employee gives notice, ask them to give you enough time to find another employee. A two-week notice is ideal. The employee leaving will be paid for hours worked according to the payroll calendar. A final time sheet must be submitted within two (2) business days of the last date of employment to the FMS so that the employee receives payment, by law.

If the participant is considering terminating an employee for poor performance, let the FMS know right away. Staff can support you and walk you through the termination steps. When terminating, it is best to:

- State the reasons for termination clearly. Identify the behavior that is not acceptable.
- Have another person there if the employee might be angry or put the participant's safety at risk
- Call the person and terminate, if possible.
- Have a backup employee or new employee ready to start work
- It is illegal to threaten or withhold payment of wages, even if the participant does not like the work the employee is doing.

Employment should be terminated immediately if the employee has: Stolen from the

- participant
- Abused the participant physically or mentally
- Threatened to harm the participant
- Broken confidentiality

Any actions that are against the law should be reported to the police **immediately**.

NOTICE OF PRIVACY PRACTICES

As the FMS, we are required by law to maintain the privacy of the participant's health information. We are also responsible for giving the participant information about the company's privacy practices and legal duties concerning health information. Our Privacy Practices follow:

Purpose

To identify the criteria for determining when information held by Acumen should be treated as Protected Health Information (PHI) so that Acumen workforce members may abide by the requirements set forth by the HIPAA Privacy Rule (45 CFR 164.508) as well as policies developed by Acumen.

Procedure

As the FMS, we will treat PHI as any information that relates to a program participant's health condition, identifies a program participant, or for which there is reasonable basis to believe the information can be used to identify the program participant, and limit the use and disclosure of such information.

Protected Health Information (PHI)

"Protected health information" is any health information maintained by Acumen that is individually identifiable except:

- (a) employment records held by Acumen in its role as an employer; and
- (b) information regarding a person who has been deceased for more than fifty (50) years.

"Individually identifiable health information" means any health information, including demographic and genetic information, whether oral or recorded in any form or medium, including demographic information collected from an individual, that:

1. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
2. Relates to the past, present, or future physical or mental health or condition of a program participant; the provision of health care to a program participant; or the past, present, or future payment for the provision of health care to a program participant; and
3. Identifies the program participant; or with respect to which there is a reasonable basis to believe the information can be used to identify the program participant.