

Acumen Fiscal Agent

# Employee Performance and Terminations

Training for Employers working with  
**DDS Self-Directed Program and Acumen Fiscal Agent**

# Welcome to Acumen!

Dear Employer,

Welcome to Acumen Fiscal Agent, and congratulations on enrolling as an employer of record! We are excited to be your fiscal agent, and look forward to working with you and your employees.

Being an employer of record may be a new concept, so we have developed training tools to help you navigate through some of the processes. This information is provided for informational purposes only. Any recommendations are provided as a courtesy by Acumen.

If you have any questions please call us. We look forward to getting to know you!

# Course Objectives

By the end of this “**Employee Performance and Terminations**” training you will be able to:

- ✓ Address employee performance issues with appropriate disciplinary action and documentation
- ✓ Terminate employees properly and without violating labor laws
- ✓ Understand what happens when terminated employees file unemployment benefit claims
- ✓ Provide employment verification for active and terminated employees

# Reasons for Termination

Finding the right employee for the job can be difficult. You may have hired someone who seemed perfect in the interview, but later started to display certain behaviors that you consider unacceptable, such as:

- ✓ Fraud (*see next slide for more information*)
- ✓ Physical, verbal, or emotional abuse
- ✓ Theft
- ✓ Alcohol or drug abuse while at work
- ✓ Making you feel unsafe or uncomfortable
- ✓ Poor performance or not following instructions
- ✓ Arguing with you
- ✓ Is late or fails to show up too many times
- ✓ Does not pay attention to the needs of the recipient
- ✓ Cannot meet your scheduling needs



# Fraud

## **What is fraud?**

Any misuse of Medicaid funding is considered fraud. This includes submitting hours for services that were not provided.

## **What if my employee enters time incorrectly?**

Your employee is required to use an Electronic Visit Verification (EVV) compliant method of clocking in and out in real time. It is **your** responsibility as the employer to review the time entries your employee makes each pay period to make sure they are correct.

You as the employer are confirming that the hours you are submitting to be paid are an accurate record of the services that were provided.

**WARNING:** Anything you approve knowing it is inaccurate could be considered Medicaid fraud or fiscal abuse. This may result in the service recipient being removed from the program, prosecution, and/or repayment of funds.

# Fraud (continued)

## **What if my employee changes their time after I check the entries?**

Any changes made to a time entry require both employee and employer approval. Acumen will not pay for any services that have not been approved by you. However, it is your responsibility to regularly check your account to ensure accurate payment of funds.

If you become aware that your employee is submitting hours to be paid without your consent, you must notify Acumen immediately, and we will escalate the issue to the proper authorities.

## **How do I report fraud?**

If you suspect fraud, please call Acumen's Customer Service Department at (877) 364-2835 and we will notify the appropriate authorities.



# Abuse

## **What is adult and child abuse?**

Abuse is neglect, exploitation, or causing harm to an individual. Anyone can become a victim. A service recipient might suffer abuse from his or her “caregiver,” or an employee might be abused by the service recipient or employer. No one should be subjected to an abusive environment.

## **How do I report abuse?**

If you suspect abuse, neglect, or exploitation, it is your responsibility, by law, to report it to child welfare or adult protective services. To report physical abuse, you may call the local Adult and Child Abuse Hotline or contact your local police department.

**Please also report abuse immediately to your Case Manager.**

# Fraud & Abuse

## (continued)

### **What should you expect after filing a report with Acumen?**

When Acumen is notified of suspected fraud or abuse, we report the incident to the Acumen Program Manager, who forwards the information to the OK-DHS program administrator. Acumen does not conduct the investigation.

They may be in contact with you to gather more information, so be sure to keep good records and documentation of any suspicious activity.

**NOTE:** Acumen is not able to provide the status of any pending investigation. However, we may be directed by the program to suspend the account and temporarily stop making payments for services until the investigation is complete.



# Documentation



## Keep a log!

It is highly recommended that you keep a log of employee performance. You may choose to document both good and bad incidents, and refer to this record when determining whether or not to give the employee a raise if/when funding is available.

When an employee exhibits unacceptable behavior, it is best to log the date and time of the occurrence when it happens. You should also note how you addressed the issue.

Keeping a record of personnel issues provides the necessary back-up if you need to discipline or even terminate your employee.

# “Employment-at-will”

## You do not have to tolerate bad behavior!

As long as you did not sign an employment contract with your employee, you can terminate your employee at any time. Oklahoma is an “employment-at-will” state, which means both you and your employee have the right to terminate employment for any reason, with or without cause.

However, it is important that you treat your employees professionally and fairly, and that you do not violate any labor laws. You **may not** discriminate against any employee on the basis of the employee’s:



- ✓ Age
- ✓ Race
- ✓ Ethnicity
- ✓ Religion
- ✓ Gender
- ✓ National Origin
- ✓ Genetic Information
- ✓ Disability

# Disciplinary Action

While some behavior may be obvious grounds for immediate termination, you may consider other behavior issues to be less severe. As an employer, you are able to take disciplinary action when an employee displays poor performance.

**Appropriate disciplinary action can include:**

- ✓ Verbal warnings
- ✓ Written warnings
- ✓ Suspension



**CAUTION**  
Termination Ahead

# Disciplinary Action (continued)

All methods of discipline should be documented in detail listing out number and dates of occurrences.

**Verbal warnings** should be documented, and include what was said to the employee and the employee's response.

**Written warnings** should state in detail:

- ✓ The nature of the offense
- ✓ What the expectation is going forward
- ✓ What the consequences will be should the offense happen again

Both you and the employee should sign off on this and the document should be kept in the employee's file.

# Termination

If disciplinary action has failed to correct your employee's behavior, you may want to consider termination of employment. However, this can be a difficult and tense situation. Here are some tips for conducting a smooth termination:

**Keep your personal safety in mind.** If there is any reason to think safety will be a factor, it may be best to contact your local authorities to escort the employee off the premises after termination.

If there is no concern of the employee acting out, you may want to tell the employee in person that you will "no longer be requiring his/her services." However, you also have the option of terminating via telephone.

**Be sure to ask that any personal property be given back to you,** such as house keys, car keys, etc. And document not only the termination but any property returned or not returned at the time of termination.

# Termination (continued)

## Notify Acumen immediately!

As the employer, it is your responsibility to **report all employee terminations within 24 hours**. Failure to notify Acumen right away increases the risk of unauthorized payment.

You, as the employer, will be personally liable for any paychecks issued as a result of failure to notify us within 24 hours of termination.

You will need to fill out a Termination form and provide it to Acumen. The Employee Termination form can be downloaded from our website ([www.acumenfiscalagent.com/oklahoma/](http://www.acumenfiscalagent.com/oklahoma/)) or you can contact us to request a form be sent to you.

**You must also notify your Case Manager that you have terminated your employee.**

# Unemployment Benefits

## **Will my terminated employee be eligible for unemployment benefits?**

Your former employee may be eligible for unemployment benefits upon termination, depending on the reason for termination and several other factors as determined by your local unemployment office.

Unemployment Insurance Tax is included in the Employer portion of taxes that Acumen is collecting and filing on your behalf.

You can refer your former employee to his/her local unemployment office for more information or to apply for benefits.

# Wrap Up

- ✓ If you suspect fraud, please call Acumen's Customer Service Department at (877) 364-2835 so we may notify the appropriate authorities.
- ✓ Call the local Adult and Child Abuse Hotline or contact your local police department, as well as your Case Manager to report abuse.
- ✓ It is your responsibility to document any and all personnel issues.
- ✓ Both you and your employee have the right to terminate employment at any time, with or without cause.
- ✓ As the employer, it is your responsibility to report all employee changes and terminations to Acumen within 24 hours.
- ✓ Your employee may be eligible for unemployment benefits upon termination, depending on the reason for termination, as determined by your local unemployment office.



# Contacting Acumen



Local Number:  
(918) 221-7053  
Toll Free Telephone:  
(877) 364-2835



Fax:  
(877) 364-2837



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[www.AcumenFiscalAgent.com/Oklahoma/](http://www.AcumenFiscalAgent.com/Oklahoma/)

# Congratulations!

You have completed Acumen's employer training on  
**“Employee Performance and Terminations.”**

We hope this course has provided you with the  
information and tools necessary to help  
manage your employee's performance.

**Welcome to self-direction.  
Welcome to Acumen!**