

DOMESTIC EMPLOYER



EMPLOYMENT HANDBOOK

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Introduction

You have decided to employ help inside your home. The reasons for this decision are many and varying from family to family. With proper planning and knowledge of your basic responsibilities as an employer, this decision will be less stressful and more rewarding.

SDRI is providing you this domestic employer manual to explain the most basic of responsibilities that you will undertake. This manual is not exhaustive of every rule and regulation governing domestic employers. This manual offers a basic guideline only.

The information presented in this manual is not being presented as legal advice. Nor is this manual meant to replace the need of competent legal counsel as employment laws can be complex.

The purpose of this manual is to help employers understand what constitutes discrimination, employment at will, and explain in simple terms the three main areas of employer knowledge: wage and hour laws, tax laws and a broad miscellaneous area that includes civil rights, immigration, and safety to name a few. With this information, it is our hope you can create an environment that is supportive and team oriented with the goal of supporting your dependent in the least restrictive environment possible. The means to this end is to apply reasonable expectations and have defined rules that govern the activities inside your home.

Also presented with this employer manual is an employee handbook for your use. The employee handbook is a guideline. You can choose to use the handbook as a guide and write your own. You can choose to use the handbook as is. If you choose to use the handbook as provided but alter any of its' contents, you must provide the delin- ations to the employee handbook in writing to your employee[s].

June 20, 2003 was the first printing of this employer manual and to our knowledge all information was accurate and in agreement with current laws and practices.

Following is some links for technical assistance and helpful reading.

1.0 Employment - at - Will

Domestic employers should base their employment policies on the ‘at will’ principle. ‘At Will’ holds that the employer-employee relationship continues only ‘at the will’ of both the employer and employee. The relationship can be ended at any time by the employer or employee. Be careful though. While employee can quit at any time, with or without notice for any reason, an employer cannot terminate for an illegal reason.

[Note: If a domestic employer chooses not to use the at-will employment principle, they should create their own handbook using the employee handbook provided with this manual as a guide. Your manual must clearly list all expected actions that will or may lead to dismissal. The disciplinary actions must be enumerated. The manual must establish all the grounds for prompt dismissal to protect yourself from wrongful dismissal claims. **We strongly advise you have your lawyer review the statements in your employee handbook and follow any advise they provide for content.**]

2.0 Employee or Independent Contractor

The IRS has established very definite criteria to establish whether someone who works in your home is a domestic employee or an independent contractor. The burden of proof, as to whether your help is a domestic employee or independent contractor, is yours.

Basically, if the following criteria is met, you are considered an employer

- The work is done in your home.
- You set the hours of work.
- You control the work to be done [even if you choose not to exercise that right]. This includes what is to be done, how it is to be done and the end result.
- You supply the tools or supplies and method to accomplish the job.
- They only perform the duties you want.

3.0 Overview of Employer Responsibilities

Provided next is a quick overview of the responsibilities of an employer. This will include learning the basic employment laws, which govern employers.

You will need to acquire a payroll service and complete employer registration paperwork. If you are a customer of SDRI, all employer’s are enrolled with Acumen for payroll services. To enroll for Acumen services, you just need to complete their pink enrollment sheet. As this satisfies all employer enrollment responsibilities, there will no further discussion on employment identification numbers etc.

3.1 Interview / Hiring / Supervising ... a brief overview

The interview process includes assessing your needs, creating a job description, determining interview questions and holding actual interviews with qualified applicants.

Hiring will encompass qualifying a candidate and checking their references before offering them the job.

Supervising employees will entail orientating them, monitoring the quality of their work, creating work schedules, offering constructive criticism and praise where warranted. Supervision may require disciplining an employee, up to and including termination.

The components, or actual steps, of interviewing, hiring and supervising will receive more in depth discussion later in this manual.

3.2 Employer Payroll Taxes

As employer tax compliance is Acumen's responsibility, this is offered as a brief description of employer payroll taxes. This information is provided as a basic training so you can answer employee questions. This information requires no action on your part.

There are two types of payroll taxes, employee taxes and employer taxes.

Employee taxes are withheld from their gross wages. Law mandates they pay into social security and medicaid [referred to as FICA]. In addition to withholding FICA, employees can also have income taxes withheld for the federal and state government. Income withholdings are based on three things:

- the employee's gross wages [or the money earned before taxes are taken out]
- how many dependents are claimed on the employee's form W-4
- the tax tables for that calendar year

All employer taxes are a percentage of gross wages paid to their workers. Law governs they match their employees FICA contribution. If wages paid are more than \$1,000 in any quarter, they can also be responsible for paying federal and state unemployment taxes.

3.3 Insurance

Before hiring an employee it is wise to review your insurance coverage with your agent. Some items to consider.

- If the employee will be driving your automobile for errands, appointments, etc., does your insurance cover them to operate your vehicle? Are there

any exceptions? Do you need to obtain a copy of your employee's driving record?

- Do you need a bond? This will allow you to recover or be paid for a loss due to your worker's actions.
- What are your liability limits? Should they be raised?
- What does your home owner insurance cover? Consider theft, property damage and personal injury.
- Workman compensation insurance is not typically needed for domestic employees. Workman compensation is not to be confused with personal injury protection under your home owner insurance. Workman compensation pays the medical bills and lost wages of your employee if they become injured while on the job. It is a separate policy and has an annual premium. Not all insurance carriers offer workman compensation coverage. If you decide your circumstances dictate its need, you might have to shop around to find a carrier. If you ask, SDRI can help find a workman compensation policy.

3.4 Non Discrimination

It is against the law to discriminate. The Civil Rights Act, supplemented by the American Disabilities Act [ADA], prohibits discrimination practices in hiring, pay, training or discharge. The protected classes against discrimination are race, color, religion, sex, national origin, age, disability and sexual orientation.

ADA law further requires employers to provide qualified applicants and employees with disabilities reasonable accommodations that do not impose undue hardship on the employer.

3.5 Minimum Wage

The federal minimum wage is \$7.15. Beginning on January 1, 2003, the Oregon minimum wage was increased to \$6.90 per hour. The higher minimum wage prevails. So this means you must pay your employee's at least \$6.90 per hour. SDRI will pay your employee the hourly wage you agreed to in your plan.

3.6 Regular Paydays and Pay Periods

The law says that employers must decide on regular pay days [the same days each month] and must keep those pay days. Also paydays cannot be more than 35 days apart. The law also says you must pay all wages earned each payday.

3.7 Employer's Responsibility to Track Employees Hours

The law says it is the employer's responsibility to track the hours employees work each day so each employee can be paid each pay day. If an employee does not give you their timesheet, you cannot use that as an excuse for not getting them paid. However, you can take disciplinary actions against an employee when they don't turn in their timesheets promptly.

3.8 Payroll Periods, 2 Options to Chose From

Acumen Fiscal Agents are located in Utah and are the processor for SDRI domestic employers payroll. Having your payroll processed by Acumen provides you a choice of how often to pay your employee[s].

3.8.1 Choose Monthly Payroll Processing

Acumen will cut your employees a payroll check once a month

- Your employees record their hours from the first day through the last day of the month.
- Your employees give you their timesheets on the last day they work in the month.
- You review their timesheet, sign their timesheet and send it to SDRI.
- You must have the timesheets into SDRI by the close of business on the 3rd of the following month. [So if your employees record their hours from May 1st to May 31st, you must have the timesheet in SDRI's office before 5pm on June 3rd].
- SDRI will process the timesheet and report to Acumen for you.
- SDRI will mail payroll checks and reports so they are in your mailbox by the 12th of the month.
- Your employees will have to see you to get their paychecks.

3.8.2 Choose Twice Monthly Payroll Processing

Acumen will cut your employees a payroll check twice a month

- For the first payroll period your employees record their hours for the first day of the month through the 15th day of the month.
- Your employees give you their timesheets by the 15th.
- You review the timesheet, sign their timesheets and send it to SDRI.
- You must have the timesheets into SDRI by the close of business on the 18th of the month.
- SDRI will process the timesheet and report to Acumen for you.
- SDRI will mail payroll checks and reports so they are in your mailbox by the 28th of the month.
- For the second payroll period your employees will record their hours from the 16th through the last day of the month.
- Your employees give you their timesheets on the last day they work that month.
- You must have the timesheets into SDRI by the close of business on the 3rd of the following month. [So if your employees record their hours from May 16th to May 31st, you must have the timesheet in SDRI's office before 5pm on June 3rd].
- SDRI will process the timesheet and report to Acumen for you.
- SDRI will mail payroll checks and reports so they are in your mailbox by the 12th of the month.

3.8.3 Timesheets to SDRI

You can fax the timesheets to SDRI at 503.292.0298 or you can mail them to SDRI at 1730 SW Skyline Blvd, Suite 127, Portland OR 97221-2548.

If you have eMail and choose to fax the timesheets, our bookkeeper can provide eMail confirmation that your faxed timesheets actually arrived. If you don't receive an eMail confirmation after faxing, you will know that SDRI did not receive your fax transmission and you need to re-fax.

3.9 Creating Records

It is important you keep copies of certain records. You should have one drawer in your home where you keep all these files together in one place.

3.9.1 Employee Records

You should have one file for each employee. This file should contain information such as

- their completed job application
- their resume, if they gave you one
- their performance evaluations
- any disciplinary actions
- reference checks
- employee handbook receipt

3.9.2 Payroll and Billing Statements

You should keep all the payroll and billing statements that Acumen sends with your employee's checks

3.9.3 Blank Timesheets and Mileage Sheets

You should have a file with some blank timesheet and mileage sheets to give to your employees

4.0 Employee Paperwork

As your employee's must be pre-qualified under the state guidelines, this next section is a recap of required forms that your employee completes. You are encouraged to keep a copy of these documents in your file but know that SDRI retains all this paperwork unless otherwise noted.

4.1 Eligibility for Employment

Law requires employers to validate that prospective employees are eligible for work in the United States. Before the end of the third day of work, an employee must complete an INS form I-9. This form requires your employee produce paperwork to establish their identity [a driver's license is typically presented] and establish they are eligible to work in the United States [either a social security

card or birth certificate are typically presented].

4.1.2 The Rules on how to complete the form I-9

The employee fills out section 1

- This is important... Your employee can ONLY write in section 1.
- Your employee should fill out section 1 in the same color ink.
- Where it asks for Maiden Name, they are asking for the last name as shown on the person's birth certificate

The employer fills out section 2 [we're going to walk through how to record the most often presented documentation ... call SDRI if you are presented other documents and are not sure how to proceed]

- General Information
- You can not accept any identification with an expiration date that has passed
- You can not tell your employee which identification you want to complete the Form I-9 ... you have to accept anything from the list on the back of the form
- Use the same color ink to complete section 2 and the confirmation

- List B establishes identity and the driver's license is usually presented
- Line one record the document title: driver's license or DL
- Line two record the issuing authority: dept of motor vehicles or DMV
- Line three record the document number
- Line four record the expiration date

- List C establishes employment eligibility and the social security card is usually presented
- Line one record the document title: social security number or SSN
- Line two record the issuing authority: Social Security Administration or SSA
- Line three record the document number: ### - ## - #####
- Line four is for the expiration date: write N/A for non applicable

- The certification section
- When you sign the certification section, you are saying that you saw the original documents presented for section 2.
- Sign your name in the box that says signature of employer
- Print your name in the next box
- In the box called 'title' you can write domestic employer
- You can ignore business or organization name but fill in your home address
- Don't forget to date

[Please know that SDRI can fill out section 2 and the certification for you. You

just need to forward the I-9 to SDRI after your employee completes section 1]

4.2 Employee Enrollment

4.2.1 Form W-2

W-2 form must be completed before the first check can be given to your employee. The form tells the payroll company the correct federal and state income tax from their wages based on how many withholdings your employee declares. Employees can change their withholdings by filling out and submitting a new form W-4. The new withholding will be used on the next check after the form is filed.

4.2.2 Criminal History Check

Oregon law requires that all of your employees must successfully complete a criminal history check BEFORE they work any hours for you. We cannot use self-directed support funds to pay for any work before the clearance date. Your employee completes a simple 2 page form. It asks for basic personal information, if they've lived outside the state of Oregon in the last 5 years and they must provide information for any convictions.

If for any reason the State wants your employee to have their fingerprints taken, they will send a letter with instructions. The fingerprints are used to run a federal check for convictions. As long as the person you wish to hire has no convictions in Oregon, the State will usually allow your employee to work until the federal check is complete. If your employee fails to provide their fingerprints before the deadline or do not pass the federal check, they will have to stop working for you.

4.2.3 Valid Driver's License and Proof of Insurance

If your employee will be driving the individual receiving care in their automobile, your employee will have to provide a copy of their valid driver's license and proof of insurance.

4.2.4 Timesheets

SDRI will always provide you with 2 blank timesheets each time we mail the payroll billing and your employee's checks to you. Call your personal agent if you need more blank timesheets and some will be mailed to you promptly.

Your employees are not to record the time they start and the time they end their work, only the total time they worked. Employees should record their time to the nearest quarter hour in hundredths. So 15 minutes is recorded as .25, while 30 minutes is recorded as .5 and 45 minutes is recorded as .75.

Your employee should have all their hours recorded BEFORE you sign their timesheet. Always be sure to write the date you signed the timesheet next to your signature. If any hours are recorded after the date you signed the timesheet,

we need will call you to confirm the hours were worked.

If your employee is given compensation for the miles they drive while working for you, they are not to record the miles they drive on their timesheet. Their miles have to be recorded on the correct form.

4.2.5 Mileage Reimbursement Forms

If your plan allows for your employee to receive mileage reimbursement, your employee has to use the proper mileage reimbursement form to ask for reimbursement. There is a blank form in the form section for you to copy and give to your employee for use. After you review the form, you have to sign the form where it says customer or guardian signature.

All of the items asked for on the mileage form must be filled in. Your provider should record the beginning and ending odometer reading and provide us with a destination. For destination we wish to know the activity ... did the provider take the customer to a doctor appointment, bowling, to McDonald's for lunch, etc.

Remember your provider can only ask to be reimbursed for miles driven when the customer was actually in their car.

4.3 Employee Handbook Receipt

If you choose to provide your employee with a copy of the employee handbook available from SDRI, the last page is a receipt page. Your employee should read the handbook and ask you any questions they have. Afterwards, you should tear the page out after having your employee sign the page. Put the receipt in their employee file.

4.4 All Employees are Mandatory Abuse Reporters

All domestic employees paid through the self-directed supports program are mandatory abuse reporters. This means they must report any abuse they see being done to someone with developmental disabilities. They must report abuse they see in your home or while in the community.

When you hire someone, they will need to read a brochure that explains what abuse is and how to report abuse. After they read the brochure they will be given a wallet size card. One side of the card will list the type of abuse that must be immediately reported. The other side of the card will provide the phone numbers they are to call to report the abuse.

5.0 Hiring Process

The following information is provided to assist you in hiring the best individual to perform the work you need. The first step is to determine your needs. Your personal agent can help with this step if you ask. This section covers how to interview and select the best person to help you. It also covers basic hiring practices so you hire within the guidelines of the law.

5.1 Ethical Hiring Practices

Ethical hiring practices mean you treat all applicants the same. Your hiring deci-

sions are based upon the ability of the person to do the requirements of the job. Your hiring decisions are NOT based upon any of the protected classes.

Equal Employment Opportunity, granted by the Civil Rights Act of 1964, protects specific classes of people from discrimination in the employment process. Employment decisions cannot be based on anyone's race, color, religion, sex, national origin, age, sexual preference. It also protects qualified persons with a disability and says an employer must provide reasonable accommodations for people with disabilities that do not impose undue hardships to the employer.

5.2 Pre-Hiring Activities

Your search for a provider will be made easier if some pre-hiring activities are done. This will help you define what skills your provider needs, the wishes of the individual to receive care and the hours you actually need help.

5.2.1 Assess Needs

Assess your needs as employer: when do you need help, what types of help do you need. Assess the needs of the individual to receive care: do they have routines, what level of support do they need, what are their personal preferences

Following is a list of items you may wish to consider in assessing needs:

- Skills care giver needs [ie care receiver is deaf & communicates through ASL, or has Down's Syndrome and you'd like a provider with knowledge or experience with Down's]
- Are there skills they need but can be learned if they don't already have the skill [ie g-tube feeding]
- Is the person to receive care independently mobile or use a mobility device? Does the provider need to know how to transfer using proper body mechanics?
- Will the provider be dispensing any medications?
- Does the person to receive care have a visual, language or hearing impairment? If yes, how do they compensate?
- Do they need supervision or assistance with personal hygiene? What level of support?
- Any behavioral issues?
- Any protocols in place that need to be adhered?
- House rules that need to be observed [ie no smoking]

5.2.2 Job Description

Using the assessment you've created, you can develop a job description. The more specific your job description, the better tool it will be in recruiting and interviewing. The job description should list your expectations, the workers' duties and responsibilities.

When developing the job description, if practical, include the person to receive the care in this process. If their wishes are heard and included wherever possible, finding the qualified person that 'fits' the position and the person to receive care increases.

The job description should be given to prospective providers during the interview. The interview is a dual opportunity. You get to find out if the applicant is qualified and the applicant gets to find out if the job fits their needs.

The job description should include:

- Employee's job title
- Work Schedule
- Hourly Wage
- Detailed list of duties and responsibilities

5.2.3 Advertise Position Available

Word of mouth is the most effective means of advertising. Ask your friends and families for referrals. If you participate in a support group, ask for referrals.

Other means for advertising your position is to place an ad in your local newspaper. The ads placed on the weekends typically generate the most response.

You can create a flyer and post it around the community. Some possibilities are supermarket community boards, church bulletins, or libraries. If you have a local community college in your area, people working towards nursing or social degrees might respond.

If you decide to create an ad to be listed in a local newspaper or a flyer to be distributed in the community, make the ad productive. It should describe your job, hours and any unnegotiable requirements such as a driver's license. List only your first name and telephone address for contact, guard your privacy.

Some say rate of pay should be listed while others take the stance doing so limits your room to negotiate. The middle of the road is to acknowledge items such as flexible scheduling or pays higher than minimum wage that employees find attractive.

5.2.4 Interview Questions

The interview is a screening process. Ask the right questions and you find the applicant that most closely matches your care needs, required skills and compatible personality. Ask the wrong questions and you can open yourself up to litigation if an interviewee interprets any of your interview questions as an attempt to screen for and exclude from hiring a protected class.

All questions asked must be to only determine if the interviewee has the skills you need. Write your interview questions based upon the criteria you established in your job description. In general, try to ask open end questions. Open end questions require more than a yes/no answer and create an opportunity for you to learn more about the applicant.

Some possible interview questions might be ...

- What is your experience in providing care for a person with Autism?
- Tell me about your current [past] home care experiences?
- What did you enjoy least and most about your last respite position?
- Looking at the job description, is there anything you're unable or unwilling to do? [If they answer yes and don't explain, it is permissible to ask them what are they not able to do and why? Nothing more.]
- Why do you choose to do this type of work?

- What expectations do you have of the family? as an example, do you expect us to carry a cell phone to be reached in an emergency?
- Why did you leave your last job?

If the job requires specific skills or criteria, they can be included. Such as ...

- The position requires you to do g-tube feedings. Do you know how to feed via g-tube? If not, are you willing to learn?
- The position requires you to drive the person receiving care to the doctor's appointments and community outings. How reliable is your car?
- If hired, you will be asked to show your driver's license, proof of insurance and provide a DMV report for the past 3 years. Will you be able to do so?

If there is a situation that presents occasionally, you can ask the applicant how they'd respond to a hypothetical situation. An example ...

- My child has Down's Syndrome and will occasionally ask total strangers "are you my friend?". What would you do or say if this happened while you were both out in the community?

5.3 Interviewing

It is strongly suggested you use the same list of interview questions for all applicants and read each question exactly as written. By doing so, you treat each applicant equally in the hiring process and are less apt to ask something illegal. Make notes during the interview process to help you remember who said what and help you determine who is the best candidate.

If you are uncomfortable meeting the applicants, who might be perfect strangers, in your home, it is acceptable to meet them in a quiet community setting. A coffee house or restaurant during off peak hours so you can talk quietly is a good setting.

After you've asked all the questions on your interview sheet, you should ask the provider if they have any discussions. You should be prepared to discuss all aspects of the job; any protocols or emergency procedures, current health needs or limitations, wages, work schedule / flexibility, any written communication or documentation you require, lifting and transferring, house rules etc.

When you set the time for the interview, request they bring references with them. Before ending the interview, be sure to ask for the references.

When the interview is concluded, thank them for their time and give them an indication when you will call them with results. You should extend everyone interviewed the courtesy of a follow up call. If they are not hired, during the follow up call you can state you will keep their information on file for future reference if you choose.

5.3.1 Interview Do's

- Do actively listen for key points and how they feel about things
- Do allow the applicant to do the majority of the talking
- Do maintain eye contact
- Do allow the applicant to finish answering a question before you decide how you feel about their response
- Do try to ask open ended questions. These are questions that the applicant cannot answer with a simple yes or no. The applicant will have to talk

more and you'll learn more about the applicant

5.3.2 Interview Don'ts

- Don't simply review what their resume says. Have a list of questions and ask each of the questions.
- Don't show disagreement or disapproval if you don't agree with something the applicant said.
- Don't stop the interview if someone says something you don't like. You need to finish all the questions so the hiring process is fair.

5.4 References

All possible candidates should be able to provide you with 3 or 4 references, with at least one professional reference.

Prepare 3 or 4 specific questions to ask people you call for references. Be sure to ask the same questions to all references. It is a good idea to have your reference check questions on a sheet of paper. As you call each reference record to whom you spoke, the date you spoke and their answers to each question. Retain all reference checks in their employee files.

Some appropriate reference questions could be ...

- Was the applicant's attendance prompt and reliable?
- Would you rehire this individual?
- How do you know this person?
- How clear were the applicants' verbal and written communication?
- In your opinion, what were the applicant's greatest strength and weakness?
- Did they demonstrate a willingness and ability to co-operate?
- Did they person have to interact with a person with a developmental disability? If yes, how were their interactions?

6.0 Orientation to the Workplace

A good orientation can reduce problems and make the transition easier for the person they are to give care.

6.1 Orientation Checklist

Some items to consider including in an orientation ...

- Layout of your home
- Where essential things are stored
- How to operate needed equipment
- Medication, if employee is to administer
- Information about the routine of the individual receiving care
- If routine is written, show the employee where it is posted
- Share the like and dislikes of the person receiving care
- Review emergency procedures - include how to contact you
- How to complete and record hours on their timesheet

- Any protocols in place for the person to receive care
- Demonstrate how you'd like the task to be done

6.2 Demonstrating Tasks

- Tell the provider how to do the task
- Show the provider how to do the task
- Allow the provider to do the task while you observe and tactfully coach where needed
- Invite the provider to ask questions and provide answers

People have different learning styles. Some people learn best through hearing the material, some people from reading and others from hands on experience. Through repetition, this sequence is providing the information more than one time and in different forms and helps people learn how you wish to the task to be done.

7.0 Supervising Employees

Supervising employees is not easy and the best way to learn is to do. Following are some ways to supervise your employees so they do the work you need but in an environment they feel good about. The best way to supervise employees is by the golden rule 'treat your employees as you would want an employer to treat you'.

7.1 Handle Problems Constructively

Handle problems constructively in the beginning and you minimize the chance the problem will become a disciplinary action.

The key to handling a problem is to focus your words on what is wrong NOT who is wrong. Remember, you wish to change the person's behavior or action NOT the person or their personality, so keep them separate.

Some things to remember when handling problems constructively ...

- Always correct providers one on one in private, never in front of others. You are trying to correct a behavior, not embarrass them.
- Never approach your provide while angry but after you've calmed down. You'll be more in control and less likely to say something you will regret later.
- Avoid extreme comments like 'you always' or 'you never'. It will raise people's defenses and make communication harder.
- Don't make judgements why the provider did something, ask them why they did it.
- Only address one concern at a time while maintaining a friendly, matter-of-fact manner.

7.2 Positive Feedback

Praise and recognition are powerful motivators. Praise lets you appreciate your providers efforts and reinforces good performance.

Offer meaningful praise for provider's efforts or to phrase it differently, be specific not vague in your praise. Vague is 'you are doing a good job'. Meaningful is 'thank

you for your patience in teaching my son how to set the table and encouraging him to do so. Last night he asked to set the dinner table.”

7.3 Work Schedule

How often you create a work schedule is entirely subject to your wishes. However, as a courtesy to your employee the schedule should be created and posted at least one week in advance. If you offer flexible scheduling, be sure to inquire as to your employees availability before creating a work schedule.

7.4 Safety on the Job / Workplace Hazards

The employee’s safety and well-being while at work must be reinforced by you the employer. If you see an unsafe act by your employee, call it to their attention. If a job requirement is lifting, are they using proper body mechanics and lifting using their legs.

To promote safety on the job, your employees should always follow the Universal Precautions. The underlying objective of Universal Precautions is to prevent exposure to bloodborne pathogens. Bloodborne pathogens are micro-organisms that can cause disease and can be transmitted mainly through needlesticks, many body fluids, mucous membranes and cuts in your skin. The most common bloodborne pathogens are Hepatitis B and Acquired Immunodeficiency Syndrome [AIDS].

All equipment used in universal precautions must be provided by the employer at no cost to your employee. Examples of protective equipment would be gloves, masks, eye protection [goggles] and gowns. Other examples of equipment would be a container for disposing of needles and bleach to create a sanitizing solution.

7.4.1 Universal Precautions

- Universal Precautions recognize all body fluids as if they are infected with bloodborne pathogens.
- Wear personal protective equipment when it reasonable to expect body fluids to splash.
- Gloves are should be worn whenever handling any body fluids.
- All gloves should be removed and disposed of prior to leaving the work area. Remove gloves in the following manner: grasp the cuff of one glove and remove it by pulling it forward towards the fingertips. Dispose of both gloves immediately and then wash your hands.

- Change gloves as soon as practical after they have become weakened as a barrier to infection. This includes the gloves becoming contaminated, torn, or punctured.
- Washing your hands thoroughly after handling potentially hazardous blood or body fluids is the number one way to prevent contamination. Wash hands for at least 30 seconds, using plenty of soap and being careful to scrub up your wrist and between your fingers. Use potable [drinking] water to wash hands.
- Dispose of contaminated sharps [ie needles] in approved containers. Container should be labeled as a biohazard, closable, puncture proof and leak proof. Never recap or bend a contaminated [or used] needle. Containers for disposing of sharps should be easily accessible and located as close as feasible to the immediate area where the sharps are used.
- Dispose of all body fluids in leak proof containers. Close bag prior to removal. If any bag has a leak, it should be placed in a second leak proof container.
- Wipe work surfaces and contaminated items down with a solution household bleach and water. Put one of bleach in a gallon of water. This solution must be prepared daily.
- Do not eat or drink in any area that has exposure to contaminated waste.
- If gowns are used as personal protective equipment[ppe], they have to be washed at the employer's residence. Employees are not allowed to take ppe home and launder it.

8.0 Disciplinary Measures

Disciplinary measures act to inform the employee of dissatisfaction with work habits, what is expected of them and the consequences of their behavior if it does not improve. It also provides documentation of employer's policies and steps to remedy poor performance in case termination becomes necessary.

Note ... if the care receiver is in eminent danger or their safety is at risk or a concern, act immediately. This includes immediate termination with no discipline measures enacted.

8.1 Progressive Discipline

Although not required by law, most employers find progressive discipline to be the fairest way to discipline employees. The use of written employee warnings is often the employer's best defense against a later claim of discrimination or wrongful discharge.

Progressive discipline involves progressively harsher discipline for the same

offence. There are no concrete rules for progressive discipline. Let's say an unwanted activity or behavior [such as excessive telephone time or tardiness] keeps occurring. The first warning is verbal. The second time for the same offense could be a written warning which the employee signs [the employee's signature on a warning does not mean they agree with the warning, it means they received the warning].

8.2 Disciplinary Forms

A blank disciplinary form is included for your use in the forms section. The disciplinary form has two purposes.

- 1 The disciplinary action form is a written notice telling the employee that they are accountable for their actions and what you expect from them.
- 2 If it is necessary to terminate your employee you need to be able to prove the termination was taken for a legitimate reason. The employer needs documentation that they told the employee they were unhappy with their performance.

The disciplinary action must show the reason why you're unhappy with your employee's performance, the ways you've told the employee you're unhappy and what you expect from the employee if they are to keep their job.

The warning can be verbal or written. The verbal warning is a conversation with your employee. Complete the form and mark the box for verbal warning. File the form in the employees file. The employee does not have to see or sign the form.

When you complete the disciplinary form then sit down with the employee to discuss what you've written on the form, you're doing a written warning. You should have two copies of the form ready. The employee needs to sign and date both forms. You keep one form for your files and the employee should get the second form for their files.

When your employee signs a written warning they are not saying they agree with you. When they sign the written warning they are saying that you have talked to them and they have received a copy of the warning.

Just like doing a performance review, you should find a quiet place with no interruptions to discuss the disciplinary form. It is okay to have someone sit in on the disciplinary action. The witness can take notes about what is said, questions asked and answers given during the disciplinary action.

You should never agree with any argument your employee makes during a disciplinary action. Let's say the employee doesn't take the actions you want to keep their job and you have to terminate them. If you've agreed with anything they've said in the disciplinary action, your agreement could be seen as you weren't sure you really had to terminate the employee. Any agreement with your employee weakens your case.

8.2.1 Completing the disciplinary form

- Statement of the Problem - what is wrong? What does the employee keep doing that you've asked them not to do? What have you asked the employee to do that they won't do?
- Prior discussions on this subject, oral and written - list all the times you've told the employee about the problem
- Summary of corrective action to be taken by care-giver - here is where you put in writing your expectations. This is what your employee must do to keep their job. The actions should be objective or measurable whenever possible. A measurable action says how often you want them to do it or breaks the action down into steps.
- Consequences of failure to improve performance - what will happen if they do not improve. Will you reduce their hours, will you not allow them to work for a week so they have time to think, or will you terminate them?
- Employee Statement - this is where the employee can write how he feels about the information in the disciplinary form. The employee can choose to write something or they can choose not to write anything.

9.0 Performance Review

How can we expect to get somewhere if we don't know where we are going?

The performance review has two objectives

- 1 Ensures people know what's expected of them
- 2 Answers the questions "Is your employee accomplishing what's expected of them?"

The easiest way to defend a performance review is to put down the truth.

If you follow a simple 6 step approach to performance reviews, your anxiety over evaluating someone's work is kept low. The acronym PARADE is a simple way to remember the steps.

Preparation - review your employees job description and any previous review.
What are the major things you wanted done? This focuses you on what needs to be reviewed.

Assessment - did your employee accomplish the things you wanted done?
What do they do well? What can be improved?"

Review - review all information so you can explain the reason for your performance remarks.

Appropriate Setting - for the actual review, try to meet in a place that is quiet and away from distractions. The place should allow the review to be confidential or just between you and your employee.

Deliver the Message - give your appraisal of the employee's work in simple language. Don't inflate the good news. Don't be mean and use tact

when delivering the bad, but don't be afraid to deliver bad news. Your employee will respect you for your honesty.

Encouragement - the conclusion of a performance review is to share encouragement. Encourage them to continue doing what they do well and work to improve the areas that you'd like to see improvement.

10.0 Termination / Resignation

Termination is when you have to let your employee go. Resignation is when your employee gives notice or quits.

10.1 Resignation

Take the notice in stride. Data shows employee turnover in the human services section is relatively high.

If they didn't state the last day they would work, you can ask.

On their last day, thank the provider and wish them the best. Ending a work relationship on a positive note is the employee's last impression of you as an employer. Hopefully they will speak well of you in the community not adversely so other potential employees will want to work for you.

Be sure to inquire about the handling of their final check [see section 10.3.1]

10.1.1 Exit Interview

Do ask why they are giving notice. If something was particularly difficult or uncomfortable it is useful information. After some thought, you might be able to change something so the next employee doesn't experience the same barrier to working for you.

10.1.2 Letter of Recommendation

Whether you provide a letter of recommendation or not is solely at your discretion. If you are comfortable providing one, make it brief and make it complete without exaggeration. If you are not comfortable providing one, simply state it is your policy not to provide letters of recommendation.

10.1.3 Professional Reference

If you are asked to be a professional reference, you are being asked to have your name and contact information listed as a reference. This means that potential future employers of theirs will call you to discuss your ex-employees job performance. You can agree or politely decline.

A little background ... when called for references, the majority of employers only provide date of hire, last day worked, job title and a few will even include if they are eligible for rehire. Employers do this to reduce their liability. If you say something negative about an ex-employee and your comments are the reason the prospective employer gives for not hiring them, you can be sued for defamation [defamation are written or spoken false statements]. If the prospective employer hires your ex-employee based on a good recommendation from you and the employer can prove you knew something bad about the employee but didn't tell him, the employer can sue you.

You don't have an obligation to speak and provide a recommendation but if you do, you speak completely. The safest thing, especially if you terminated the employee, is to only give name, job title, date of hire and last day worked.

If an employee is going to use your name as a reference for future employment, most will ask your permission. If someone calls for a reference on an employee when you did not agree to be a reference, you have two choices ... simply state your policy is not to provide references or restrict the reference information to date of hire, last day worked and job title.

10.2 Termination

10.2.1 No Reason Necessary if difficult discharge

To terminate an employee, you need no reason. If you think an employee might perceive their termination as wrongful, limit your liability by keeping the termination simple. At the end of the day, simply state, "Today is your last day as we no longer need your services". Do not give reasons, you are not legally required to give a reason.

You can terminate for a good reason, a bad reason or no reason but you can't terminate for an illegal reason. If you have any questions whether the grounds you're terminating for are legal or illegal, call the employer technical help line at the Bureau of Labor and Industries [BOLI]. Number in Portland is 503.731.4200 ext 4, then press 4 again.

10.2.2 Exit Interview if amicable discharge

You can decide you need to terminate an employee because it just isn't working. Be prepared to answer the question, "why are my services being terminated?" Have a copy of their job description readily available to reference expectation. Have examples of unacceptable behavior. Be brief and be direct.

Be willing to listen to any comments they have but DON'T agree with any argument they present. If they file for wrongful discharge, it might be construed in court as you weren't certain the termination needed to happen if you've agreed with any of their statements.

Be sure to inquire about the handling of their final check [see section 10.3.1]

10.3 Final Checks

For the purposes of paying a final paycheck, 'business day' is defined as Monday through Friday [excluding holidays] during the hours the employer conducts business. The employee must receive all wages due in the final check.

10.3.1 Inquire Final Check Destination

At the end of their final day, you need to inquire as to their final check.

If you are comfortable with them coming back to your home to acquire their final check, ask their preference, do they wish to see you personally for the final check or would they like you to mail it. If they choose to see you personally, inform them when the check will be available.

If you are not comfortable with them returning to your home to acquire their final

check, ask them if they wish for you to mail their final check to the latest address you have on file. If they ask the check to be mailed to another address, have them provide the address to you in writing.

10.3.2 Employee Quits with a 48 hours notice or more

When at least 48 hours notice is given, excluding Saturday, Sunday and holidays, the final paycheck is due on the final day worked.

If the final worked is a Saturday, Sunday or holiday, the final check is due by the end of the next regular business day.

10.3.3 Employee Quits with less than a 48 hours notice

The final paycheck is due within five working days [Saturday, Sunday and legal holidays are considered non-working days] or the next regular payday, whichever comes first.

10.3.4 Employer Terminates the Employee

The final paycheck is due no later than the end of the first business day after the termination.

10.3.5 Acquiring Your Employee's Final Check

As soon as you decide to terminate an employee or your employee gives you notice, call your personal agent at SDRI. We need to work with Acumen to get your employee their final check within the time the law says.