

**It's Your Choice:
Participant Directed and Managed Services
In New Hampshire**

**A Guide for
Employment of Workers
Using An Agency with Choice
Financial Management Service Provider**

September 28, 2011

*“We don't want a program, we want a life.
We want to be the architects of our own lives.”*

**Sponsored By: New Hampshire Bureau of Developmental Services
New Hampshire Developmental Disabilities Council
Community Support Network, Inc,**

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A GUIDE FOR EMPLOYMENT USING AN AGENCY WITH CHOICE FMS PROVIDER

PURPOSE

The purpose of this Guide is to help individuals and families understand and manage employees who provide their services and are employed by an Agency with Choice Financial Management Services (FMS) provider. The Guide will help you understand:

- using an Agency with Choice FMS provider to implement the employment of their support worker employees and provide appropriate supports;
- the rights and responsibilities of the individual/family and the Agency with Choice FMS provider has of workers (employee);
- how to work with an Agency with Choice FMS provider;
- how to effectively supervise employees; and
- how to effectively address safety issues.

Overview

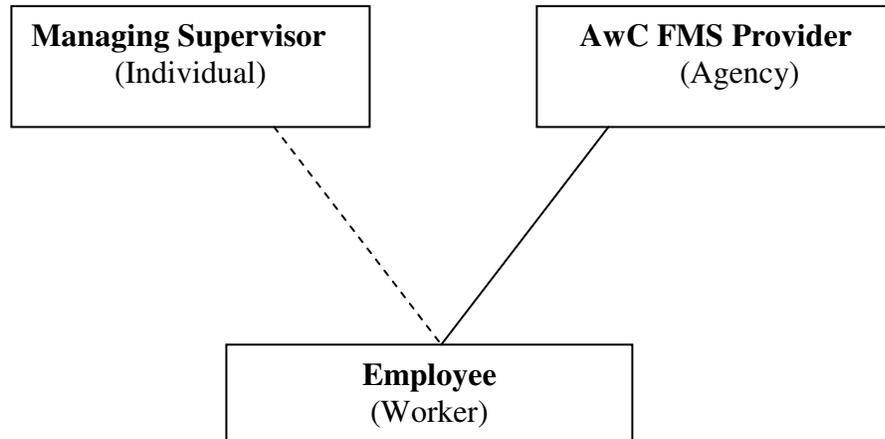
Individuals with disabilities who receive services through the New Hampshire Bureau of Developmental Services (BDS) have the option of using Participant Directed and Managed Services (PDMS). In PDMS - P, the individual, and his/her family or guardian identifies his/her needs related to the developmental disability or acquired brain disorder, designs the services and supports, selects who will provide the supports and services, and decides how authorized funding will be spent, so long as that in accordance with the original intent of the funding (for example, Medicaid allowable expenses) . The PDMS option for individuals who wish to have more choice and control of and responsibility for their BDS funded services.

When you choose Participant Directed and Managed Services, you will have the opportunity and responsibility to choose and manage supports and services that are meaningful to you. Working within funding guidelines, you will determine the cost of those supports and services and authorize the payment for them using your allocated Medicaid dollars.

As part of PDMS , you have the opportunity to select, hire, and pay the worker providing the services. You will do this through an arrangement with the agency who serves as the employer of your worker(s) and receives funding from government entities. The agency is often referred to as ***Agency with Choice Financial Management Services (AwC FMS)***.

Three parties are involved: you, the agency, and the worker. Each has a title, you (individual/family) are the ***Managing Supervisor***; the agency is the ***Employer*** (often referred to as the *Employer of Record*); and the worker is the ***Employee***.

The diagram below shows the relationships.



You (the individual or your family) are the *Managing Supervisor*, the agency is the AwC FMS provider and both have responsibilities that are outlined in the *Responsibilities* section of this guide. In this arrangement, the employee reports to you, the Managing Supervisor.

RESPONSIBILITIES

Traditionally, if you need personal care services (activities of daily living, community access, mentoring or other related services) those services would have been provided by staff from an agency. You may have had some input and perhaps, veto power over who provided the care but you would have had no other role. PDMS is a different approach.

In a PDMS arrangement, everyone has both rights and responsibilities: the Agency with Choice FMS provider, the Managing Supervisor, and the Employee. Those responsibilities are listed below.

Agency with Choice FMS Provider Responsibilities

As the primary employer, the AwC FMS provider has the following responsibilities:

- Educating and encouraging the Managing Supervisor about offering equal opportunity for all prospective employees, regardless of race, creed, color, national origin, sex, disability, marital status or sexual orientation.
- Processing criminal background checks on prospective worker(s).
- Verifying a prospective worker(s)' legal ability to work in the United States.
- Approving the worker the Managing Supervisor wishes to hire.
- Formally hiring the Employee that you, the Managing Supervisor, have selected for assignment (done in compliance with the AwC FMS provider's employment policies and procedures).
- Verifying that your Employee's automobile insurance is current.
- Scheduling any mandatory training for your new Employee(s).
- Completing federal and state paperwork, filings, and payments complying with all labor, tax, worker's compensation and immigration laws including:
 - Processing timesheets and your Employees payroll checks ;
 - Withholding, filing, and depositing federal income tax withholding and employment taxes for Employees and the AwC FMS provider;

- Withholding, filing, and depositing state unemployment taxes;
 - Ensuring that worker(s) are citizens or legal aliens entitled to work in the United States;
 - Providing worker's compensation insurance coverage; and
 - For those who qualify, processing earned time, and providing retirement match or other benefits, as allowable by the AwC FMS
- Orienting and training the Managing Supervisor about using PDMS and how to fulfill their employer-related responsibilities.

Managing Supervisor (You, Your Family, or Other Representative)

PDMS gives you (your family or other representative) an opportunity to have more choice and control over those who assist you. Along with more choice and control comes additional responsibility. As the Managing Supervisor, you are responsible for performing the following tasks while following the AwC FMS personnel policies and procedures:

Deciding whether you or a representative will direct your services and be the Managing Supervisor of your worker(s).

- Defining the type of assistance needed and developing a detailed job description.
- Recruiting prospective worker(s).
- Interviewing and selecting prospective worker(s) for referral to the AwC FMS provider for hire and assignment back to you.
- Completing the necessary paperwork for hiring a worker (i.e., employee) based on the AwC FMS provider's hiring process.
- Establishing the employee's work schedule including scheduled time off.
- Training, supervising, evaluating employee(s) performance, and firing, if necessary, your employee(s) in accordance with the AwC FMS provider's policies and procedures.
- Ensuring that your employee(s) shows up for work and performs the required tasks for the required time period.
- Reviewing and signing your employee(s)' timesheets.
- Ensuring that your employees submit their signed timesheets to the AwC FMS provider in accordance with the agreed upon time sheet submission and payday schedule.
- Conducting an annual review of your employee(s) job performance.
- Developing a plan and arranging for back-up services.
- Informing the AwC provider of any changes in the status of your employee (e.g. hours worked, change of address or phone number, if your employee has decided to terminate his/her employment or does not show up for work).
- Conducting a home safety review to identify any issues that could cause your employee to experience a workplace injury.
- Reviewing/training your employee on emergency procedures.

It should be noted that an individual's legal guardian or the person with power of attorney can appoint another person to act as the individual's representative.

Employee Responsibilities

The Employee is responsible for the following.

- Working under the direction of the Managing Employer, as defined in the *Specific Job Description of the Participant Directed and Managed Employee*;
- Respecting the individual's rights, home, possessions, lifestyle, personal choices and privacy;

- Adhering to medication administration policies and procedures in accordance with State regulations, if applicable;
- Completing all necessary paperwork and documentation;
- Completing and submitting timesheets in an accurate and timely manner per the AwC FMS provider's timesheet and payday schedules;
- Obtaining and verifying that his/her automobile insurance is current and in the required amount;
- Completing all required and necessary training;
- Requesting and receiving approval for time off from his/her Managing Supervisor in advance and for a mutually agreed upon time period;
- In case of emergency or illness, notifying the Managing Supervisor as soon as possible that he/she is unable to work;
- Following all policies, practices, and procedures of the AwC FMS provider; and
- Promoting health and safety and protecting privacy in all interactions with the individual and his/her family.

RIGHTS

In PDMS that are implemented under a joint employment arrangement using an AwC FMS provider, you, the Managing Employer, the AwC FMS provider, and your Employee all have rights. Being aware of these rights helps each to know what they can expect from the other.

Agency with Choice FMS Provider

To ensure quality of service delivery, the AwC FMS provider has the right to expect that you and your employees will:

- Give accurate and complete health information, including information regarding any hospitalization(s) or absence from the community;
- Participate in development and tracking of the Individual Service Agreement.
- Request and receive clarification about anything related to service delivery that is not understood;
- Express concerns regarding the services and supports provided;
- Follow the regulations, policies, and procedures for PDMS and the AwC Choice FMS provider; and
- Contact appropriate individual, organization and or entities in accordance with policy, regulation and state law, as appropriate.

Managing Supervisor (Individual or Representative)

You, as the Managing Supervisor have the right to:

- Be treated with consideration, respect, and dignity, including privacy in treatment and personal care and respect for personal property at all times by your employees and the AwC FMS provider;
- Receive appropriate care without discrimination based on race, color, national origin, religion, sex, disability, age, or sexual orientation;
- Be ensured of confidential treatment of the personal care received and information about you and those in your household. Any person or organization not authorized by law to receive such information must have written consent before the information will be released;
- Receive a copy of your records knowing that this information is your property ;
- Participate in the development and periodic review of the Individual Service Agreement and to be informed in advance of any changes to the agreement;

- Recruit, interview, and select your employee(s) for referral and assignment back to you;
- Establish your employee(s)' work schedule including scheduled time off;
- Orient, train, and evaluate your employees in accordance with the AwC FMS provider's policies and procedures;
- Establish rules and boundaries for the employees who work for you (for example, not allowing the employee to smoke or make personal phone calls while in your home.);
- Make decisions about the services to be received;
- Supervise and evaluate the performance of your employee (s) in accordance with the AwC FMS provider's policies and procedures;
- Review your employee(s)' performance at least annually in accordance with the AwC FMS provider's policies and procedures;
- Fire your employee(s), as necessary, and replace them with someone who is more suitable, within the guidelines of federal and state law regarding termination and in accordance with the AwC FMS provider's policies and procedures;
- Voice grievances and suggest changes in services or employees without fear of restraint, discrimination, or reprisal/retaliation;
- Be free from emotional, psychological, sexual, and physical abuse and from exploitation by employee(s) or the Employer of Record;
- Establish a budget including making allocation decisions regarding how allocated/approved funds will be spent, receive monthly reports to assist you in managing the budget; and
- Be informed in advance of the charges for services, including payment for care expected from third parties.

Employees

Employees, in accordance with the AwC FMS provider's policies and procedures, have the right to:

- Be treated with courtesy, fairness, respect, and without discrimination based on race, color, age, sex, faith, national origin, disability, or any other characteristic protected by law;
- Maintain their privacy and confidentiality;
- Suggest changes without fear of discrimination or reprisal ;
- File a grievance or complaint with the AwC FMS provider;
- Be free from emotional, psychological, sexual, or physical abuse, exploitation, and harassment;
- Be paid for services provided according to the AwC FMS provider's timesheet submission and payday schedule which must be in compliance with federal and state department of labor laws;
- Be given regular feedback about job performance and at a minimum, be given a formal annual performance evaluation;
- Take planned time off provided it is requested in advance, is based upon a specific time period, and is approved by the Managing Supervisor; and
- Receive applicable benefits offered by the AwC FMS provider.

Reporting a Rights Violation against a Person with a Disability:

If rights have been violated contact:

| | |
|---|-----------------------|
| BDS | 1-800-852-3345 x 5034 |
| Bureau of Elderly Adult Services: Adult Protective Services | 1-800-351-1888 |
| Division Children, Youth and Family | 1-800-852-3345 |
| Long Term Care Ombudsman | 1-603-271-4375 |

BECOMING A MANAGING SUPERVISOR

When you take responsibility for your supports and services, you become a Managing Supervisor along with the AwC FMS provider. This means that you will be responsible for the supervision tasks listed in the *Responsibilities* section of this guide; the following information will help you perform these employer-related tasks.

Recruitment and Advertising

When you are seeking dependable direct support workers, there are many ways to advertise and recruit potential employees here are some suggestions:

- **Newspaper Ads**
Classified ads in newspapers reach a large audience; however, such ads can be expensive. Neighborhood newspapers are less expensive and will reach potential employees who live closer to your home.
- **Local Newsletters**
Sometimes disability and other community organizations along with churches will run short ads in their newsletters.
- **Colleges and Universities**
Colleges and universities can be an excellent source for finding potential employees. Many students are looking for additional income; students with majors in health and human services are often looking for work experience. To advertise a position, contact the career placement office or student housing office on campus. You can also try health-related departments such as physical therapy, occupational therapy and nursing.
- **Word of Mouth**
You should ask family, friends, and neighbors if they, or anyone they know, would be interested in helping. You should let them know what qualifications you are seeking in an employee.
- **Local Agencies**
Area Agencies, vendors, and other social service organizations often keep a registry or list of direct service workers who may have received some basic training or have work experience.
- **Bulletin Boards in High Traffic Areas**
You may hang flyers on bulletin boards in high traffic areas such as grocery stores, banks, apartment buildings, restaurants, community centers, churches, and Laundromats.
- **Local Employment Offices/Rehabilitation Agencies**
Local employment and rehabilitation agencies are often overlooked sources of potential employees.
- **Networking**
Consider exchanging information, names, resources, and services with others who may be able to help you find potential employees.
- **Using the Internet**
There are many employment websites (often connected to newspapers) where you can post job announcements usually for a small fee. Common websites include CareerBuilder.com and Monster.com. However, you may want to consider posting jobs on sites aimed at nonprofit workers such as Idealist.org. Other good sources may be Care.com, Craigslist.org or local area yahoo groups. Be cautious when posting personal information.
- **Other**
Locating eligible services through the Yellow Pages, newspaper advertising and state and local professional organizations can also be beneficial.

Contents of Advertisement

To help find potential employees who are interested in working for you and who may be qualified, it is important to give complete information. It is a good idea to include:

- Your first name (it is recommended that you do not include your last name)
- Job title and short description of the job
- Phone number
- Other helpful information you may include:
 - Total number of hours
 - Which hours specifically, if appropriate
 - Qualifications
 - Compensation and benefits
 - General location (for example: near downtown Concord)

Do NOT include your address or other private information in the ad. It is recommended that you have your first meeting with a potential employee in a public place or the Employer of Record's office, rather than in your home.

Screening Applicants

The Initial Telephone Contact

Give a brief description of the duties of the position, number of hours the job requires, amount and method of pay and any benefits. If the applicant is interested, ask the applicable questions listed below and write down the answers.

- What is your name, phone number, and how can be reached?
- Have you ever assisted or worked for a person with a disability before? If yes, tell me a little about the tasks you performed? What did you do for the person? For how long?
- Do you have reliable transportation?
- If you are under 18 years of age, can you provide required proof of your eligibility to work?
- We have pets in the home will that be a problem for you? (If you have a pet in your home)
- Can you perform the essential functions of the job? (for example, bathing, toileting and dressing)
- Do you have any experience lifting, transferring, and positioning a person? Tell me about your experience.
- Can you teach me to cook and assist me so I can do my housework?
- Inform the potential applicant that New Hampshire's regulations require that a criminal background check must be completed on all employees.

After your questions have been answered, if the person is interested, tell the person you will call back to make an appointment for an in-person interview and send them a copy of the job application. You or your family member may want consider meeting at a location outside of your home for personal safety. If the person is unsuitable or not interested in the job, always thank them for their interest and their time.

Conducting a Face-to-Face Interview

Call those applicants that seem to be good prospects and schedule each for a face-to-face interview. Allow about one hour for each interview with plenty of time between interviews. The interview is important because this is the time when you will describe and discuss the job in detail and gather information about the person you may hire as an employee. If the representative is doing the interviewing s/he should include the individual whenever possible.

When the applicant arrives there are a few things you can do to make the interview a success. Some things may need to be repeated from the initial telephone contact for clarity. You should:

- Help the person feel as comfortable as possible and get to know each other a little.
- Tell the person about your disability in general; speak more in specifics during training if the person is hired. If you are the representative, tell the person about the individual with the disability he/she will be working with.
- Ask them to tell more about himself/herself. Be sure to ask questions about past work history, reasons for leaving other jobs, any past experience with personal assistance and why he/she is interested in the position.
- Ask if you may contact former employers for a job reference.
- Ask about his/her career goals and why he/she is pursuing this type of work.
- Give the applicant a copy of the job description to read, and thoroughly explain the duties and responsibilities of the job. Ask if he/she can safely perform the job (i.e. lifting, transferring etc.).
- Describe the work schedule, the hourly wage to be paid and the process through which he/she will be paid, any benefits and leave plan and your method of evaluating an employee.
- Explain the Area Agency's role as the AwC FMS provider.
- Give the applicant an opportunity to ask questions.
- Ask the applicant to fill out an application from the AwC FMS provider.
- Tell the applicant you will call as soon as you make a decision.
- Be sure to contact the applicant even if they decide not to hire him/her.
- Thank the applicant for his/her interest and time.

Sample Questions for a Face-to-Face Interview with an Applicant

Here are a few sample questions you can ask during the face-to-face interview.

- How far do you live from here? (Turnover tends to be higher among workers who commute long distances.)
- Tell me how you handle multiple tasks to make sure everything gets done?
- Have you provided personal care to someone in the past? Tell me about it.
- Are you comfortable doing personal care such as bathing and toileting?
- Why are you interested in being an employee?
- What do you think will be the best and worst parts of this job? What did you like most and least about your last job?
- What are your strongest and weakest qualities?
- Give me an example of how you have handled disagreements with your employers in the past.
- Describe a hypothetical "scenario," and ask what the applicant would do in the situation.
- Are you now trained or are you willing to receive training in First Aid/CPR, giving medications and other health care needs?

When interviewing applicants:

- Apply the same standard that is applied to the selection of all job applicants,
- Ask only about things that are directly related to the job requirements for the position under consideration, and
- Do not ask personal question that do not apply directly to the job requirements. If you have a non-smoking home and don't want anyone to smoke there, let the person that is being interviewed know this.

Checking References

Before you decide which applicant(s) you want to hire, check the work and personal references. Call former employers listed on the application, and carefully review how long the applicant was employed at each place. Be sure to ask the applicant if you may contact his/her current employer for a reference check; honor their wish should they not want that employer to be contacted.

Ask former employers if the applicant worked there and the dates worked. Do the dates match the applicant's response?

You may ask the following, but the previous employer is not legally required to provide the information:

- Is the person reliable?
- Did he/she arrive on time for work?
- Did he/she do satisfactory work?
- Were there any problems?
- Would you hire him/her again?

Selecting the Employee

At this point, you should have two completed pieces of paperwork—the potential Employee's application and the results of the reference checks. Once, you have selected the most promising applicant, contact them and ask about his/her interest in working for you. Ask when s/he would be available to start. You, along with someone from the AwC FMS provider should meet with the potential employee to have him/her complete the employment-related paperwork

Employment Paperwork

Each AwC FMS provider has its own paperwork and process; here are some examples:

- **AwC FMS provider Application for Employment** – The application captures valuable information for you to use during the interview and recruiting process (prior employment history, reference information and releases). *This is completed by the potential Employee.*
- **Criminal Background Check Release** – A release for the AwC FMS provider to check if the potential worker has any criminal, sexual offender, or motor vehicle records/background. *This is completed by the potential Employee.*
- **Prior Rights Violation Check Release** – A release for the AwC FMS provider to check if the potential Employee has any substantiated claims against them in the local area for prior rights violation; service concern and/or medication administration problems. *This is completed by the potential Employee.*
- **AwC FMS Provider Generic Job Description** – The generic job description gives the Employee's official job classification and the minimum qualifications.
- **Specific Job Description of the Participant-directed and Managed Worker** – The Employee's specific job description is an agreement between the employee, you, and the AwC FMS provider. It gives the Employee's rate of pay, hours per week, start date, general expectations, specific skills, expected duties, and a statement on confidentiality. *This is completed by the potential Employee, you as the Managing Supervisor and the contact for the AwC FMS provider. You must all sign this job description.*
- **Reference Check Form** – A form that records the results of checking two of the potential worker's references. *This is completed by you as the Managing Supervisor.*

- **Request to Hire Form** – A form that states that you have selected an Employee and would like the Employer of Record to hire him/her on your behalf. The form also states that you realize that you are responsible for orienting and training the Employee to meet your unique needs.
This is completed by you as the Managing .Supervisor

Human Resources (HR) Meeting

The potential employee will need to attend a new hire intake by the AwC FMS provider before beginning to work for you. Following are examples of forms, trainings, and procedures that may be completed and reviewed at the orientation with Human Resources staff.

- **IRS Form W-4** – A tax form required by the Internal Revenue Service. When an employee gets paid, Federal income tax withholding must be deducted from your employee’s gross pay. The employee chooses how much by claiming different rates. See the form’s Worksheet Instructions for more information.
This is completed by the potential Employee.
- **US CIS Form I-9** – The form that is required by the US Citizenship and Immigration Services Agency requires proving that someone is eligible to work in the United States.
This is completed by the potential Employee.
- **Agreement to Abide by the AwC FMS Provider’s Services Policies and Procedures** – Once the employee has reviewed policies, procedures, and guidelines, the employee signs stating that s/he has reviewed, understands, and agrees to abide by these policies and procedures.
This is completed by the potential Employee and the AwC FMS provider.
- **Drug and Alcohol Abuse Policy** – The policy states that the AwC FMS provider expects a drug-free, healthful and safe workplace. For employees, the workplace is your home. The policy states, “no employee may use, posses, distribute, sell or be under the influence of alcohol or illegal drugs.” As the Managing Supervisor for an employee, by extension, you should not be under the influence of either alcohol or illegal drugs.
You and the Employee should read, understand, and follow the AwC FMS provider’s policy.
- **Sexual Harassment Policy** – The policy states that the AwC FMS provider expects to “provide all its employees with a work environment that is free as possible from all forms of unlawful discrimination including, but not limited to sexual harassment. As a Managing Employer, the AwC FMS provider expects you have a workplace (your home) that is free from sexual harassment.
You and the Employee should read, understand, and follow the AwC FMS provider’s policy.
- **Grievance Policy** – The AwC FMS provider’s policy outlining how employees can bring problems and complaints concerning their well-being at work to the attention of their supervisors. This policy is for Managing Supervisors as well as Employees.
You and the Employee should read, understand, and follow the AwC FMS provider’s policy.
- **Disciplinary Action Policy** – This policy outlines the AwC FMS provider’s approach to bringing a problem situation to an employee’s attention, to allow them to give his/her view of the situation, to discuss a method of solving the problem and to explain what future behaviors are expected.
You and the employee should read, understand, and follow the AwC FMS provider’s policy.
- **Holiday Schedule** – The Agency with Choice FMS provider’s Holiday Schedule is provided for reference. It tells you which days the Agency with Choice FMS provider is closed and days of holiday pay for the employee who qualifies.
You and the Employee should be aware of the AwC FMS provider’s holiday schedule.
- **Payroll Dates** – The sheet lists the payroll periods, timesheet due dates, and paydays.
You and the employee should understand payroll periods, when time sheets are due, and the dates s/he will be paid. Refer to the Payroll Dates Sheet.

- **Time Sheet** –Each AwC FMS provider has its own process for submitting timesheets. The Managing Supervisor and his/her employees should complete timesheets in accordance with the AwC FMS provider’s policy and procedures.
You and the employee should understand the process for submitting time sheets. Refer to the Payroll Dates Sheet.

Orientation to Your House and Training the Employee

Once the Employee has been hired, it is time to orient the new worker to your specific needs and your home. A tour of the home, a demonstration of how special equipment is used, and a review of house rules (smoking/non-smoking, TV viewing, personal telephone calls, certain areas of the home that are off-limits, etc) should be included in the orientation of your new employee.

Here are some suggestions of things to cover.

- Review the employee’s job description and his/her day-to-day duties as you would like them to be carried out. Review the timing and scheduling of any duties that are very important, such as medication reminders. A daily or weekly chore list might be a useful tool to help prioritize what needs to be done and when.
- The home environment: The employee will need to become familiar with the home’s layout and the location of things that s/he might need to help you.
- Handling emergencies: The employee will need to know the location of important items in the home and how you would like him/her to respond if certain situations occur (for example, a fire or medical emergency). S/he should have a list of names and numbers of people you would like her/him to contact in the case of an emergency.
- House Rules: The employee is a guest in your home and should follow the rules you set. Clarify other expectations you have, for example, you may have other specific needs that should be included as part of the job description. Such might include driving to appointments, grocery shopping, taking you out for fun activities like eating or seeing a show. If these activities have an associated expense, you will need to decide if you will reimburse the employee for these expenses. This needs to be discussed with the Service Coordinator and included in the budget. Discuss this with the employee so s/he knows the arrangements prior to an event and agrees to them.

Developing a Plan and Arranging for Back-up Coverage

While the employee may have every intention of being there when s/he is needed, cars breakdown, people get sick, and general life problems or calamities happen. There may also be times throughout the year when the employee may want to take a vacation. Whether an emergency occurs or the employee is planning a vacation, you will need to develop a plan and arrange for back-up coverage (i.e. scheduling and planning for those times when the usual employee is not available). This is an absolute necessity and is your responsibility as the Managing Employer.

When planning for when the employee is unavailable, consider the following options:

- Consider hiring more than one employee. If you need someone every day, it may make sense to have more than one person share the position. This way, there will always be someone available who knows your needs.
- Include families, neighbors, or friends as part of your back-up plan.
- Hire an employee through a staffing agency. Look under “nurses” in the yellow pages, or call Service Link for other possibilities.
- Visit someone who might be able to help you out on a temporary basis, or have a short stay at an assisted living facility that can meet your needs for temporary respite.

EFFECTIVE SUPERVISION

Once the employee has been hired, trained, and begins working for you, you will need to supervise him/her... The following ideas will help you develop and maintain a successful working relationship.

Fostering Successful Work Relationships

Good relationships require collaboration from all parties involved, PDMS is no exception and all participants must make the extra effort and set a positive example at all times. As the Managing Supervisor, you should strive to create a working relationship where both you and the employee demonstrate the following:

- **Clear communications.** Provide instructions, expectations, and time frames in a direct, calm, and polite manner. Be willing to listen to and learn from each other. Discuss what might make the work easier.
- **Flexibility.** Be flexible regarding some parts of the job or schedule. Let the employee know what must be done exactly as specified, and where he/she can exercise some independence and still meet your needs. Both of you should agree to compromise when needed but as the Managing Supervisor, you make all final decisions regarding your care.
- **Understand and appreciate each other and mutually demonstrate courtesy and respect.** Problems are not solved by yelling or losing one's temper. Honor and learn to appreciate each others' different strengths and abilities. Understand that we all have different cultural backgrounds, families, personal experiences and traditions that make us unique—we need to be non-judgmental and learn to accept each other as we are.
- **Team work** Having a positive relationship will take effort patience, and learning by both parties. . It comes in part through good communication and is developed through joint experience and understanding. You and the employee each have distinct roles in this relationship and need to be clear about how to best work together as a team; your roles will evolve over time and with practice and working together.
- **Saying Thank You.** It is important to let the employee know that he/she is appreciated. Finding the time to say a simple thank you and provide compliments on tasks done well will help foster a positive relationship.
- **Special Issues.** When the employee is also your family member there may be some unique issues to address. First, as the Managing Employer, sometimes you will need to separate the personal relationship from the professional one. While you love and appreciate that the relative is willing to take on this special role to help you, it is important that very clear boundaries and expectations for them as the employee are established.
- **Handling Problems.** On occasion you may have problems with the employee. Don't let problems build up; discuss issues as they arise in a respectful manner.
- **Addressing Poor Performance Issues.** Good supervisors provide clear expectations. They take time to correct small issues before they become big problems. They do this in a manner that respects the employee's feelings while motivating the person to change his/her behavior to what you find acceptable. If your employee is not fulfilling his/her job to your satisfaction, you should address your concerns immediately. It may be that your employee requires additional training. Be clear when making corrections, you should explain what was needs modification and review your expectations for future behavior. Make certain he/she understands what must be changed and why that correction is important to you. Remind your employees of the good things that he/she does so they know you value them and their work. If the problem continues, you will need to address it again. You should let them know that there is still a problem and that if the problem cannot be resolved, it could lead to disciplinary actions such as job warnings and/or termination.

After meeting with your employee, be sure to write down what was said, and changes in actions or activities that were agreed upon. Documentation of this discussion is important for future reference. It will also help to review it with your Service Coordinator for additional help and support.

Performance Evaluations

You, as the Managing Supervisor of your employees are responsible for overseeing and monitoring how they provide care and assistance to you. Performance evaluations are an important tool and strengthen communication between you and your employee, and can enhance an effective working relationship.

Employees need to feel appreciated. Performance evaluations are a good way to check in on how things are going from their perspective and from yours. It is a formal occasion for you to let him/her know what they are doing well, and what areas might need some improvement. A well-done performance evaluation offers a meaningful way to show appreciation for the assistance they provide as well as motivate them to continue to do their best.

To conduct an effective performance evaluation there are some important points and questions to keep in mind. First, review the employee's job description, and then ask:

- Is s/he satisfactorily performing all the duties?
- Are there any areas where s/he is exceeding your expectations?
- Are there any problem areas that could use improvement?

The AwC FMS provider will mail an evaluation form to you to help organize your thoughts. You must complete the evaluation. They also can provide additional guidance, if needed.

When reviewing the evaluation with the employee, offer sincere compliments, praise what they do well and let them know they are appreciated. If there are problem areas that need correction, review your expectations, so s/he is clear about the changes s/he that need to be made to perform the job correctly. You may also want to ask if s/he has any ideas about ways to improve your care.

If you have a new employee, it is good to review how s/he is doing within three months of when they started.

Warnings and Firing Employee

If performance problems arise, begin to correct these immediately. If there are serious issues such as chronic lateness, not showing up for work, or discrepancy with your money, you should address these immediately and take firm action as the Managing Employer.

Remember to contact the AwC FMS provider for assistance prior to handling any major disciplinary action.

Generally, disciplinary actions should be handled privately and should be appropriate to the seriousness of the problem. The normal course of action for you as the Managing Supervisor is to:

- First give an oral warning. Tell the person that you are unhappy with what s/he is doing and be specific. Let them know that this is an official warning. Tell them that this issue will be reviewed again in a specific amount of time, to make certain that they have corrected the problem. Document that your employee received an oral warning. Give the documentation to the AwC FMS provider to file in your employee's personnel record.

- If the problem continues, issue a written warning. Write a short summary of the problem and what needs to change. Meet with your employee. Review the problem area again with him/her; remind them that this is the second time this has been an issue. Give him/her a copy of the warning and let him/her know that if the situation is not corrected, it could result in his/her job termination. Give a copy of the warning to the AwC FMS provider to file in the person's personnel file.
- If the problem continues, fire the employee. If a decision is made that s/he isn't the right person for the job, use the following steps:
 - Think through the reasons for wanting to fire the employee. Write them down.
 - Call the AwC FMS provider before firing an employee. There must be reasons for the firing and there should be written documentation prior to firing someone. In most circumstances, make certain that they have been given proper warnings prior to the firing. The AwC FMS provider can assist you.
 - Once you have consulted with the AwC FMS provider, you should schedule a time to meet with the employee to speak to him/her regarding the decision. Be sure that they return any keys, copies of security codes or other things that were entrusted to him/her. If a security system is in place, change the access code to a new one. If you are unable to get the keys back, it might be good ideas to have a locksmith change the locks.

The AwC FMS provider can help you identify major problem areas of conduct that could result in immediate job termination. These areas of "Gross Misconduct" include, but are not limited to:

- Any form of willful destruction or theft of your property;
- Blatant insubordination or breach of confidentiality;
- Using or possessing alcohol or illegal drugs while working for you;
- Bringing weapons to the home;
- Blatant refusal to comply with Employer of Record policies or procedures, after being given a warning;
- Falsifying information to gain employment or misrepresenting employment or medical records.
- Conviction of a felony; and
- Any misconduct that threatens you, the AwC FMS provider, the staff, or the effective operations or integrity of services.

If you become aware of any gross misconduct, please contact the AwC FMS provider immediately! An employee cannot be fired without the involvement of the AwC FMS provider.

If you ever feel uncomfortable or unsafe with an employee, ask them to leave and then call the AwC FMS provider for guidance and assistance.

What to Do if the Employee Resigns

While we all hope that the employee will have a long, rewarding relationship with you, there may come a time when s/he quits or resigns. If this happens:

- Ask the employee to contact the AwC FMS provider immediately;
- Be sure that s/he returns any keys, copies of security codes, or other things that were entrusted to him/her. If there is a security system, you may want to change the access code to a new one. If you are unable to get your keys back, it might be a good idea to have a locksmith changes the locks;
- You should use your personal back-up system while looking for a new employee; and

- You should review the current job description to determine if any of the needs have changed. You should make revisions as needed, and let the AwC FMS provider know about changes in the job description.

SAFETY

Reporting Injuries and Incidents

We hope that you and the employee will never be involved in an accident or emergency situation, however, if a situation arises, it is important to follow the procedures for reporting injuries discussed below, but remember to always get the required care first!

Injuries to an Employee

If an employee is injured on the job while performing his/her duties, please follow the AwC FMS provider's policy.

- Call 9-1-1 if emergency treatment is required.
- Call the AwC FMS provider to inform them of the injury.
- Obtain an "Employer's First Report of Occupational Injury or Disease" form from the Human Resources Department. Complete and return it to the Human Resources Department within 48 hours after the injury.
- Any injuries will be followed up by the AwC FMS provider's Human Resource Department.

Injuries to You While You Are In Care Of an Employee

If you are injured while an employee is with you, please follow the AwC FMS provider's policy A "Participant Injury Report" must be completed and given to the AwC FMS provider as soon as possible after the injury has occurred.

Emergency Preparation

Hopefully an emergency situation will never happen, however, you and your employee should be prepared for an emergency so that everyone involved can act quickly and in a calm manner.

It is your responsibility to make sure that your employee is trained in what to do in case of an emergency. This should be talked about during the hiring process and reinforced with training in the first week of work.

You should consider reviewing the following items with your employee.

- Your medical condition, what a medical emergency would be for you, and how you expect your employee to handle it.
- A list of emergency phone numbers—make sure that these are posted near the telephone.
- Location of smoke detector(s) and fire extinguisher(s) and proper use of a fire extinguisher if available.
- Location of the main electrical panel (fuse box), fuses, candles and matches and/or a flashlight for emergency lighting.
- Location of and how to turn off switches for a gas furnace or water.
- Evacuation routes in case of fire. If you live in an apartment complex, show them where to find the fire alarms.
- How to open an electric garage door in case of an emergency situation occurring when there is a power outage.
- What life saving techniques your employee knows like basic First Aid, CPR, or the Heimlich maneuver in case of choking?

Once you have oriented and trained your employee about general safety and emergency preparation, hopefully you both will be more prepared to handle any circumstances that may arise.

Universal Precautions

To help provide a safe and healthful work environment for all you and your employee(s), the AwC FMS provider requires everyone to view annually the video “Blood borne Pathogens in the Workplace”.

This video discusses the necessary precautions to take in order to protect you and your employee from exposure to infectious diseases and materials. The video discusses how certain infectious diseases are transmitted and types of precautions to take when dealing with injuries in the workplace. These include wearing:

- Protective gloves;
- Protective eyewear; and
- Protective mask covering nose and mouth

FREQUENTLY ASKED QUESTIONS

The following are some frequently asked questions about Participant Directed and Managed Services using an AwC FMS provider and being a Managing Supervisor.

Can family members get paid to do the work?

You and your family supervise and manage the supports and services on a voluntary basis. Family members can be paid for providing direct service and personal care. Grandparents, siblings, aunts, and uncles can be paid as employees. Family members must complete the appropriate paperwork and attend orientation before they can be put on the payroll.

Who supervises the Employee?

You (or representative) are the Managing Employer. The Managing Supervisor and AwC FMS provider's responsibilities are listed in the *Responsibilities* section of the Guide. The Managing Supervisor is principally responsible for supervising their Employees.

What happens if the Employee quits or is absent from work one day?

Your employees are specifically recruited and selected by you. If they quit or don't show up for work, it is your responsibility to find a new employee and arrange for any needed back-up staff. The AwC FMS provider can assist you in finding a new employee.

Developing a plan and arranging for back-up staff in the case your employee quits or is absent from work for any reason, is an important part of service planning. You can often identify someone in your personal network that can provide the needed back-up. This is similar to other situations where someone needs assistance; they call people who they know. It is important to document the steps included in your back-up plan and arrange for back-up staff. The AwC FMS provider can help you develop your back-up plan, but typically it is you who works out the day-to-day details.

What happens when the family gets tired of volunteer management and supervising services? Or the family situation changes and they can no longer direct services as they have in the past?

Using PDMS is voluntary. Adjustments are possible at any time. PDMS does not mean that you must have employees. You may want to purchase individual-directed goods and services that do not require the employing of a worker control your individual budget. However, if you decide that PDMS is not working for you, your service coordinator will help you look at different supports and services options. This may include a move to traditional contracted services.

KEY TERMS & DEFINITIONS

Agency with Choice Financial Management Services (AwC FMS) Provider- An agency that performs as the Employer with the individual or his/her representative (Managing Supervisor) that manages legally defined and other personnel related functions such as: providing worker's compensation and liability insurance coverage, managing Employees' payroll including related federal income tax withholding and federal and state employment taxes; providing the employee's benefits and complying with federal and state requirements.

Area Agency – An Area Agency is the organization, designated by the New Hampshire Bureau of Developmental Services, to provide services to people with a developmental disability and acquired brain disorder in a defined geographical area. There are ten Area Agencies in New Hampshire. See Appendix A for a list of the Agencies.

Budget - Medicaid dollars assigned to an individual for supports and services based on a Fiscal Year – July through June.

Participant/Consumer/Individual – The person with a developmental disability or acquired brain disorder, sometimes the participant is referred to as the individual or the consumer.

Participant Directed and Managed Services- Sometimes referred to as Consumer Directed Services, means a service arrangement where the individual or representative or guardian directs the services and makes decisions about how the funds available are to be spent based on the persons needs and related to the individual's disability. It includes assistance and resources to individuals in order to maintain or improve opportunities and experiences in living, working, socializing, and recreating. Participant Directed and Managed Services may be provided through He-M 525 for adults with developmental disabilities or acquired brain disorders. (For children between the ages of birth through twenty-one PDMS are provided through the He-M 524 In-Home Supports waiver.)

Participant Representative – A person chosen by the individual to be his/her representative; a representative assists in making decisions and may assist in managing employees. Roles should be clearly delineated in the Individual Service Agreement.

Employee- A person hired by the Employee of Record and supervised by the individual, to provide defined services and or supports for an individual.

Employer- An agency or person an Employee reports to.

Family– A group of two or more people related by ancestry, marriage, or other legal arrangement.

Individual Service Agreement – The plan and agreement that the individual and the Area Agency agree to follow; the agreement includes living assistance, working, personal growth, safety, health, socializing and recreation.

Managing Supervisor– An individual receiving services or his/her representative who decides to recruit, select and refer workers for hire to the AwC FMS provider for assignment back to the individual/representative.

SOURCES

Community Support Network Inc. *Area Agencies*. 25 Aug. 2009. <<http://www.csni.org>>.

Gateways Community Services, Consumer Directed Services Department Services, *Managing Supervisors Guidebook*. Nashua, NH. September 2004.

Maryland Developmental Disabilities Administration. Maryland New Directions Waiver: A Guidebook to Assist Participants and Their Support Brokers. Baltimore, MD. March 2009.

Appendix A

Area Agency Contacts

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| <p>Region 1 Dennis MacKay, Executive Director Northern Human Services 87 Washington Street, Conway, NH 03818 447-3347 x 3013 fax: 447-8893 dmackay@northernhs.org www.northernhs.org</p> | <p>Region 2 Mark Mills, Executive Director Path Ways of the River Valley 654 Main Street, Claremont, NH 03743 603-542-8706 x117 fax: 603-542-0421 85 Mechanic Street, Suite 300 Lebanon, NH 03766 603-448-2077 fax: 603-448-1841 mmills@pathwaysnh.org www.pathwaysnh.org</p> |
| <p>Region 3 Chris Santaniello, Executive Director Lakes Region Community Services (LRCS_ 67 Communication Drive PO Box 509 Laconia, NH 03247 603-524-8811 fax: 603-524-0702 chriss@lrsc.org www.lrsc.org</p> | <p>Region 4 Roy Gerstenberger, Executive Director Community Bridges 2 Whitney Road Concord, NH 03301 603-225-4153 x239 fax: 603-225-0376 rgerstenberger@communitybridgesnh.org www.communitybridges.org</p> |
| <p>Region 5 Alan Greene, Executive Director Monadnock Developmental Services 121 Railroad Street, Keene, NH 03452 603-352-1304 x1242 fax: 603-352-1637 alan@mds-nh.org www.mds-nh.org</p> | <p>Region 6 Sandy Pelletier, President/CEO Gateways Community Services 144 Canal Street Nashua, NH 03060 603-459-2701 fax: 603-459-2780 spelletier@gatewayscs.org www.gatewayscs.org</p> |
| <p>Region 7 Paul Boynton, President/CEO Moore Center Services, Inc. 195 McGregor Street, Unit 400 Manchester, NH 03102 603-668-5423 fax: 603-645-9476 paul.boynton@moorecenter.org www.moorecenter.org</p> | <p>Region 8 Bob James, Executive Director One Sky Community Services 755 Banfield Road, Suite 3 Portsmouth, NH 03801 603-436-6111 x303 fax: 603-436-4622 b.james@oneskyservices.org</p> |
| <p>Region 9 Brian Collins, Executive Director Community Partners Forum Court 113 Crosby Road, Suite 1, Dover, NH 03820 603-516-9300 fax: 603-743-3244 bcollins@communitypartnersnh.org www.communitypartnersnh.org</p> | <p>Region 10 Dennis Powers, Executive Director Region 10 Community Support Services 8 Commerce Drive, Suite 801, Atkinson, NH 03811 603-893-1299 fax: 603-893-5401 www.region10.com</p> |