



# **Self-Direction with Employer Authority Option**



**MEMBER HANDBOOK**

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**Manuals and Publications:**

Idaho Department of Health and Welfare - Boise, ID  
Louisiana Office for Citizens with Developmental Disabilities - Baton Rouge, LA  
Minnesota Department of Human Services, Disabilities Services Division - St. Paul, MN  
New Mexico Developmental Disabilities Supports Division - Albuquerque, NM  
The University of New Mexico Health Sciences Center – Albuquerque, NM  
Oregon Department of Human Services. Seniors and People with Disabilities, Office of Home and Community Supports – Salem, OR  
Vermont Self-Determination Project – Waterbury, VT  
Virginia Commonwealth University – Richmond, VA  
Dane County Department of Human Services, Adult Community Services Division – Madison, WI

**Publications and Articles:**

Idaho Council on Developmental Disabilities – Boise, ID  
Inclusion Network - Toronto, ON  
College of Education and Human Development, University of Minnesota  
John Agosta, Human Services Research, Institute - Tualatin, OR  
John O'Brien; Responsive Systems Associates, Inc. – Lithonia, GA  
College of Business Administration, Northeastern University – Boston MA  
Michael Smull, Support Development Associates – Annapolis, MD

**Websites:**

Disability Is Natural, [www.disabilityisnatural.com](http://www.disabilityisnatural.com)  
David Pityonak, [www.dimage.com](http://www.dimage.com)  
Judith Snow - Inclusion and Social Justice, [www.isja.org](http://www.isja.org)  
American Express SmartBlogs, <http://smartblogs.com/leadership>



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## **Self-Direction with Employer Authority Overview**

The Self-Direction with Employer Authority (Employer Authority) option allows the member or their representative to become the employer of the people who provide his or her care. The employer takes care of recruiting, training, supervising, and managing the staff he/she hires. This option gives people in services the most control over their supports, but also places the most responsibility on them. The Employer Authority model differs from the Agency with Choice model mostly because the member is the sole employer of his or her workers.

The case manager will provide the member with initial information on the Employer Authority option and will continue to assist the member in making the Plan of Care and the budget, evaluating all supports and services, and organizing other resources that the member needs.

A fiscal agent will process payroll for the member's employees and make the required federal and state tax payments for the member's and employee. The fiscal agent will send the member reports of their spending so that he or she can keep track of the amount of service hours used and the amount of money remaining in the individual cost plan.

Except in specific cases, the member is expected to use a paid or unpaid Support Broker for the first year after enrollment. Support Brokers assist with self-directed services and they provide only as much service as agreed upon by the planning team.

Members cannot spend self-directed service funds before:

- The member's Plan of Care and Individual Cost Plan (ICP) have been approved.
- The fiscal agent confirms that the self-directed enrollment forms are complete and the member is notified that potential employees can be hired.



### **Choosing the Employer Authority Option**

The case manager will tell the member of the Employer Authority option when he or she enrolls in the waiver. The option to self-direct will be discussed again at the yearly Personal Support Planning meeting, and can be discussed at any other time requested by the member. If the member is interested in Self-Directing with Employer Authority, the planning team will discuss the differences between the self-directed service delivery options, roles and responsibilities as well as the costs and benefits of each option.

To be considered for the Employer Authority option, the member must:

1. Be receiving DDP Medicaid waiver funded services.
2. Live in the member's personal home or private residence. This is to make sure that the member's choice of service, support worker and schedule of service delivery would not have any negative effect on another member receiving waiver services.

Once the planning team agrees on participation in the Employer Authority option, the case manager will make that the member receives a copy of the *Self-Direction with Employer Authority Option Member Handbook* (this handbook) and start-up information provided by the fiscal agent.



## Determining Who Is the Employer

The “**EMPLOYER**” is the person that must be recorded by and registered with federal and state government agencies as the employer for legal purposes. This person hires, supervises, and, if necessary, fires the employee.

The “**MEMBER**” is the Montana Developmental Disabilities Program Waiver member receiving services. The member may also be the employer when self-directing their own services. In this handbook, “member” will mean the person who is self-directing, even if that person uses a representative.

For a member younger than 18, the **EMPLOYER** can be:

- the **parent**, or **family member\* by definition**, or
- the court appointed **guardian**, or
- the **authorized representative**, or
- the **member**, if married or emancipated by the court.

For a member 18 year old or more, the **EMPLOYER** can be:

- the **MEMBER**, or
- an **authorized representative** which may make decisions on behalf of the member, or
- the court appointed **guardian** of the member.

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\*\* **FAMILY MEMBER** is: “natural parents, adoptive parents, licensed foster parents, grandparents, step-parents, sibling, aunt, uncle, guardians and an individual who has a legally granted conservatorship or properly executed power of attorney responsibility for overseeing the disabled persons finances or general care.”



## Employer Responsibilities

Being an employer in Self-Direction has added benefits and responsibilities when compared to using traditional provider agency services.

- The member/employer has the benefit of hiring workers they choose, setting the hourly pay rate for employee(s), within the guidelines established by the Developmental Disabilities Program (DDP).
- The member/employer can train and schedule the worker to perform care tasks exactly when and how he or she wants them to be performed.
- The member/employer also has the responsibilities that come with being an employer. Although there is help, the additional employer responsibilities are:
  - ✓ To recruit, hire, train, manage, and if necessary, dismiss employee(s).
  - ✓ To follow non-discrimination laws and policies on the basis of race, religion, gender, sexual orientation, age, or disability.
  - ✓ To complete all employer-related paperwork and complete the duties related to timesheets and payroll.
  - ✓ To review payroll reports. If they are not accurate, to report the differences to the fiscal agent.
  - ✓ To make sure that employees complete the needed service reports, such as progress notes and timesheets.
  - ✓ To maintain all required files. (More information can be found in Section II of this manual)
  - ✓ To make sure that employees meet and are current with their employee training requirements. A copy of each employee's current training record showing that requirements have been completed must be on file with the fiscal agent in order for the employee to be paid for working with the member.
  - ✓ To make sure that employees work only the number of hours described in the Member's Plan of Care. The employer will be personally responsible to pay for any employee wages or supports that are above the hours approved in the Plan



- of Care or if employees have worked without the employer having received proper notification from the fiscal agent.
- ✓ To assign a list of tasks to be performed by employees.
  - ✓ To follow the member's approved Plan of Care.
  - ✓ To make sure the member gets the care he or she needs and is protected from harm.
  - ✓ To have a back-up plan in place in the event that an employee does not show up for work.
  - ✓ To inform the fiscal agent immediately if an employee is injured on the job.
  - ✓ To inform the fiscal agent when an employee is dismissed or leaves working for the employer.
  - ✓ To wait until the fiscal agent clears potential employees before the member allows them to do any work.
  - ✓ To participate in required training as requested by the DDP.
  - ✓ To maintain the member's Medicaid eligibility.



## **Supports Available to Assist Employers**

Although the Employer Authority Option puts a lot of the responsibility on the member/employer, it also offers help and support so he or she can do what needs to be done.

## **Case Managers**

All members receiving Montana DDP waiver services have a Case Manager. Choosing the Employer Authority Option will not cause the member to lose the help of his or her Case Manager. The Case Manager will keep an eye on how the member's Plan of Care is carried out and will make sure the right follow-up occurs when problems come up. The chart below lists some of the things Case Managers often do to help members who self-direct.

## Support Brokers

Support Brokers help the member/employer in arranging for, directing, and managing services that are self-directed. A Support Broker is specially trained and certified to assist member/employers who Self-Direct their services with Employer Authority.

Support Brokers may be employees of the member/employer. Agencies also may supply Support Broker services, but any agency providing this service may not provide other DDP funded supports to the member.

The member/employer is encouraged to obtain the services of a paid Support Broker or have someone who can serve as an unpaid Support Broker for the first year after enrollment.

The member's planning team will determine what specific activities the Support Broker will perform.

A person providing Support Broker services must be a minimum of 18 years old and pass a criminal background check prior to employment as a Support Broker. Persons excluded from providing paid Support Brokerage to a member/employer include:

- parents, spouses, or legal guardians of the member;
- persons who work for an agency providing other paid supports to the member;
- Persons who function as conservator, payee or who have any other financial responsibilities for the member.

If the Plan of Care specifies a Support Broker, these duties may be provided by an unpaid person if the person successfully completes the Support Broker certification examination.

The Planning Team will periodically review success in completion of employer duties and may require the assistance of a paid certified Support Broker to continue Employer Authority.

## Difference between Case Managers and Support Brokers

The table below compares things Support Brokers often do and things Case Managers do when working with persons self-directing services.

**EXAMPLES OF TYPICAL ACTIVITIES OF  
SUPPORT BROKERS AND CASE MANAGERS  
IN SELF-DIRECTED SERVICES**

SUPPORT BROKERS	CASE MANAGERS
<p><b>May Provide Information to Member/employers About:</b></p> <ul style="list-style-type: none"> <li>• The person-centered planning process and how it is applied in Self-direction</li> <li>• The range and scope of individual choices, and options</li> <li>• The process for changing the plan of care and individual budget</li> <li>• Risks and responsibilities associated with self-direction and decision making</li> <li>• Free choice of providers</li> <li>• Individual rights</li> <li>• Self-direction limitations or restrictions</li> </ul> <p><b>May Provide Assistance to the Member With:</b></p> <ul style="list-style-type: none"> <li>• Defining goals, needs, and preferences</li> <li>• Practical skills training in hiring, arranging schedules, training, managing and terminating workers; problem solving and conflict resolution</li> <li>• Managing the self-directed budget</li> <li>• Developing an emergency back-up plan for services which are self-directed</li> <li>• Identifying and obtaining self-directed services, supports, and resources</li> <li>• Recognizing and reporting of critical incidents such as abuse or neglect</li> <li>• Serving as an Independent advocate</li> <li>• Developing and maintaining necessary documents.</li> </ul>	<p><b>Provides Assistance With:</b></p> <ul style="list-style-type: none"> <li>• Determining and reassessing eligibility for services</li> <li>• Crisis intervention and management for members</li> </ul> <p><b>Provides Information about:</b></p> <ul style="list-style-type: none"> <li>• Possible settings for services, such as: residential facilities- or personal home</li> <li>• Service options: traditional agency based, self-directed with agency support, self-directed with Employer Authority</li> </ul> <p><b>Completes Tasks:</b></p> <ul style="list-style-type: none"> <li>• Comprehensive initial and periodic reassessment</li> <li>• Completion of the Montana Allocation Resource Protocol (referred to as MONA) assessments for evaluation of service levels annually or when significant changes occur.</li> <li>• Development and periodic revision of the Plan of Care</li> <li>• Referrals to providers or other programs and assisting in scheduling those appointments for the member.</li> <li>• Monitoring and follow-up of activities.</li> <li>• Development and monitoring of cost plan and individual budgets</li> <li>• Coordination of information sharing about the member as needed.</li> </ul>

## Fiscal Agents

Member/employers choosing Employer Authority, are required to use a fiscal agent.

The Fiscal Agent helps the member/employer manage some of the financial and tax responsibilities associated with being an employer. The fiscal agent does not participate in decision-making regarding the use of the funds received in the member's cost plan and is not the legally responsible employer.

The fiscal agent:

- Processes invoices, payroll, and payments for goods and services;
- Processes required withholding and employee and employer taxes;
- Makes sure that employment-related paperwork is completed correctly and tells the employer if there are any errors which keep employees' paperwork from being processed;
- Makes sure that employees meet the qualifications to be hired, including passing the criminal back-ground check, and tells the employer when employees can start working;
- Sends the employer payroll and spending reports each payroll period.
- Provides workers' compensation insurance to all employees.

**The employer must not allow any potential employee to begin working until the fiscal agent notifies the employer that each potential employee is cleared to work.** It will take the fiscal agent a few days to process the employees' required paperwork. If the fiscal agent does not tell the member/employer within a week of hire, the member/employer should contact his or her Support Broker or the fiscal agent.

The employee will have a 30-day grace period to complete required training. If the employer has not received a written notice that the employee has met the training requirements, do not allow the employee to continue to work past the grace period. Contact the fiscal agent to discuss the problem. .

It is important that the employer submit correctly completed forms to the fiscal agent on time to prevent any delays in the worker getting paid.

The employer should review each payroll report when is received to make sure that funds have been spent correctly. Report any differences in the payroll report to the fiscal agent. If the employer does not receive a report at the end of each payroll, he or she should contact the fiscal agent.



## Leaving the Employer Authority Option

### Voluntary Exit

The member may choose to leave the Employer Authority option at **any time**. The member needs to contact his/her case manager so that arrangements can be made to assist the member with moving to a provider agency. The case manager will give the team a list of agencies so the member and team can agree on a qualified provider in his/her area.

In accordance to the porting policy, members who have moved from Self-direction to agency services who want to switch services back from a traditional qualified provider agency back to Self-direction may be required to wait up to 90 days (3 months) before returning to the Employer Authority option.

### Involuntary Exit

“Involuntary Exit” means only the *Employer Authority option* is terminated. The member still has a choice of Self-Direction Agency with Choice or traditional waiver services. Involuntary exit from Self-Direction with Employer Authority option is NOT subject to the Fair Hearing process since other service options are still available.

A person may want to act with Employer Authority, but may not have the skills needed for the person to be successful. Supports are available and will be offered to help the person to develop the skills they need. This could include naming a representative or hiring a Support Broker if the member does not have one or moving to the Agency with Choice option for Self-Direction. It might also include additional training or monitoring. If the member/employer is still not succeeding after the changes have been made, he or she will be considered for involuntary exit and referral for agency-based services will be made.

Criteria for events meeting Montana Developmental Disabilities Program for "involuntary exit" from Self-Direction with Employer Authority are:

- Immediate health and safety concerns. This includes suspected misuse of member funds and resources (Medicaid Fraud). Misuse of Member Funds or Resources means when the cost plan is billed for services or supplies that are never received or not approved as eligible for payment under the current plan of care. This definition also includes exploitation of members by caregivers.
- Failure to implement the approved support plan or comply with Employer Authority requirements. . This means the failure of the member or his/her guardian or representative to follow through on the agreements made in the plan of care or the requirements of self-direction with Employer Authority. Examples may include failure to report serious incidents, failure to make sure that services and supports are provided as scheduled, failure to complete and cooperate with documentation and audit requirements.

When areas of "immediate concern" arise the planning team will meet within five (5) working days to consider the need for corrective action which may include additional assistance and support. *"Immediate Concern"* is:

- Any matter that places the member at risk of causing harm to health and safety
- Evidence of unreported misuse of member funds or resources (fraud).
- Maltreatment of the member through abuse, neglect or exploitation.
- Expenses billed that are not included the member's Plan of Care. .
- Maltreatment of other members.

Immediate action such as removing the member from Self-Direction with Employer Authority may be taken to prevent harm.

In cases where the member is being considered for involuntary exit, the planning team MUST include the Quality Improvement Specialist, the member and Case Manager, and will also include the designated representative, guardian and Support Broker if the member has these persons supporting him/her.



## *Implementing the Employer Authority Option*

### **Plan of Care**

The amount of services the member/employer can self-direct is listed in a **Plan of Care**. The Service Planning process for members in the Employer Authority Option is the same as for all members except that it includes a section on self-directed service. The self-direct employer is responsible to assure the timely completion and submission of required and supplemental assessment information for any services self-directed with employer authority. The member or his/her authorized representative may request modifications/revisions to their Plan of Care by contacting the member's Case Manager.

If there is an emergency situation, then the member/employer must notify his/her case manager as soon as possible so that arrangements can be made to modify the Plan of Care. Remember, the member/employer cannot put in place any changes to the Plan of Care without the prior approval of the Case Manager or Quality Improvement Specialist.

### **Cost Plans**

The member's individual cost plan (ICP) is based on the assessed needs documented in his/her Personal Support Plan (PSP,) also known as a plan of care. The cost plan details the services and budget necessary as outlined in the plan of care and is approved by the DDP Regional Manager.

Remember, the member/employer as the employer is responsible for keeping track of the budget available for use in the Employer Authority option. The employer should never ask employees to work more than the maximum budget approved in the members ICP.

If the employee does this, then the employer will personally be responsible to pay for the extra hours.

The budget report provided by the fiscal agent will let the employer know how much of the budget the member has used. When in doubt, the member or employer should contact their Support Broker or Case Manager for assistance.

Like the plan of care, the cost plan can be updated as needs change. However, any change to the cost plan should be the result of an update to the plan of care and is subject to Regional Manager approval.

## **Back-Up Planning**

As the employers hire employees, they must make arrangements for “back-up” employees to fill in when a regular employee is not available and for emergency situations. The member/employer’s Support Broker or possibly Case Manager will assist the member/employer in developing a back-up plan. The back-up plan will outline what the member/employer will do if employees don’t arrive to work as planned. The back-up plan has at least *two* options for to make sure services that are critical to his/her health and safety are provided when a regular employee is not able to provide these services.

Paid back-up employees must complete all of the same paperwork and qualifications as primary employees. Unpaid back-up assistance from family, friends, and others would not require the employee paperwork. Member/employers may connect with other people using the Employer Authority option who may have employees willing to provide backup services. If the member must have services and an employee or unpaid caregiver is not available, the member/employer may need to use traditional DD agency-based services as part of his/her back-up plan.





## Self-Directed Waiver Services and Limits

The member’s Case Manager will be able to identify which waiver the person is in and the different options available in each waiver. The following chart lists the services available to self-direct with Employer Authority. The member and his/her planning team will be able to use these categories to identify the service(s) that best meets the member’s needs and preferences.

When the member chooses to self-direct a service, the member/employer are agreeing to meet all of the requirements of that service, including the service description, qualifications of all persons providing the service, and documentation requirements.

### Services available to self-direct with Employer Authority:

<b>0208 Comprehensive Waiver</b>
Meals
Respite
Personal Emergency Response System (PERS)
Environmental Modifications
Individual Goods and Services
Specialized Medical Equipment and Supplies
Personal Supports
Supports Brokerage
Community Transition Services
Transportation of member while providing direct services
Supported Employment: Individual Employment Support, Follow-Along Support, and Co-Worker Support



## Service Documentation & Reporting Requirements

### Delivery of Services:

#### Progress Notes

Member/employers self-directing with Employer Authority must keep track of the services they get. Member/employers can keep these records in any way they want but they must be readable show that services happened.

These records are often called progress notes. Progress notes must be completed by the member/employer's employees describing the specific day-to-day activities, how the member is doing, and progress toward reaching the member's personal goals.

The notes need to be specific, describing exactly what the worker did or saw. General terms alone are **not** enough for progress notes. Examples of general terms are not specific enough include:

- "Supported (member's name)\_\_\_\_"
- "Assisted \_(member's name)\_\_\_\_"
- "\_(member's name)\_\_\_ is doing fine"
- "(member's name)\_\_\_ had a good day"
- "Prepared meals"

All progress notes must be easy to understand and read, written in ink, and include:

- Service provided,
- The name of the person writing the note,
- The title of the person writing the note,
- A legible signature of the person writing the note and,,
- The full date of the note and

The Support Broker can help train employees about how to write good notes. Progress notes do **not** need to be given to the fiscal agent; however, the member's case manager

will routinely review notes to see how the member is progressing toward their personal goals. Also, all members receiving waiver services should expect to have periodic formal reviews. Having the right paperwork to show that services were provided as outlined in the member's plan of care will be needed.

Member/employers self-directing with Employer Authority must also submit a summary of progress notes to the case manager on a quarterly basis. This is known as a "Quarterly Report" and is defined in the [PSP Procedure Manual](#).

All documents that record information about the member are protected healthcare records and are confidential. The member/employer must have a system to store records so that they remain private. The member/employer's employees must also understand that they must keep personal information confidential.

## **Employee Records:**

Employee records also need to be confidential and be stored in a locked place (e.g.: locked file cabinet, locked document box, etc.) separate from the member's service records. They should not be accessible to other staff or persons who are not supposed to see them. Employees' personal information, in particular information about disciplining the employee, must remain between the employer and the employee unless the employee has Okayed having others seeing them.

Records for former employees must be kept in a safe place at least five (5) years after the last paycheck or later if there is problem or audit that is still not complete.

Current employee records need to include:

- The past three (3) months of employee timesheets
- A copy of the Employee's employment documents, which includes the following:
  - Form I-9,
  - Form W-4,
  - Employment Application,
  - Provider Agreement, and
  - Photocopy of the employee's Social Security card and ID card.
- Job Description(s) for the member/employer's employee(s);
- Employee Training documentation (CPR and First Aid certification cards, and record of disability-related training provided to each employee);
- Copy of the employee's license and automobile insurance if they are transporting the member.

## Employee Timesheets

Timesheets must be correctly filled out and given to the fiscal agent by the payroll due date in order for the member/employer's employees to be paid on time. Each payroll due date can be found in start-up information provided by the fiscal agent.

Timesheets may be mailed, faxed, or submitted online to the fiscal agent at any time during the pay period. They must be sent by the payroll due date in order for the employee to be paid on time. Timesheets sent to the fiscal agent after the payroll due date will be paid in the next payroll.

Timesheets will not be processed by the fiscal agent if required information is missing, such as the employee or personal identification number, service code, dates of services, check-in and check-out times, wage, or employee or employer signature. The fiscal agent will notify the employer of missing information.

The employer is responsible for reviewing every timesheet to make sure that it is filled out completely and accurately. Both the employer and the employee must sign each timesheet to document that they agree, that the hours and services recorded on the timesheet were delivered and services were provided according to the member's approved plan of care. Employers will not sign blank timesheets.

### **Keep in mind that the employer is responsible any time the member/employer allows an employee to:**

- **Work hours before the employee is cleared by the fiscal agent to work,**
- **Work hours that are not approved in the member's plan of care,**
- **Provide services that are not in agreement with the DDP Waiver service definitions and limitations.**

### **Any of following may occur as a result of these actions:**

- The employer will be responsible for payment of the employee out of the employer's own pocket.
- The employer can be disallowed from serving as the employer of record;
- The member could be involuntarily terminated from the Self-Direct with Employer Authority option;

## Incident Management Documentation and Reporting

Member/employers self-directing with Employer Authority must comply with the DDP [Incident Management Procedures Manual](#)

.

Portions of the [Incident Management Procedures Manual](#) about members who are self-directing services can be found in **Section VII – Appendices – Incident Management Policy Information** of this handbook.

Although some events might not require formal reporting, recording changes in member behavior, unusual events, changes in the condition of the living environment, and other information is helpful in seeing patterns and areas of concern.

Incident Reports must be completed for all critical incidents as outlined in the DDP [Incident Management Procedures Manual](#)

. These reports may be submitted via the Department's approved electronic system, or a paper copy may be delivered to the case manager for entry into the electronic system.

The required Developmental Disabilities Program Incident Report form must be used and is also included in Appendix B-4 at the end of this handbook. Remember, your Support Broker can assist you in understanding the policy, filling out the Incident Report Form, and meeting timelines.



## Records Maintenance Requirements

Member/employers using the Employer Authority option are expected to maintain a central records storage area in their home to organize where the member's active personal information and employee records can be found.

Service records must be kept separate from employee records. Recent records must go back at least three months, but DDP recommends that records go back for a year. Older service and employee records must be kept in a secure storage area that may be outside of the employee's home. The area must be secure and confidential.

Records for the member's care must be

- Accessible: DDP and other people who need them can get to them
- Available: Recent records need to be in the in the member's home and records that go back a minimum of five (5) years need to be stored in a safe place.
- Confidential: Only people who have a right to see the records can have access to see them.

## Medicaid Fraud

Medicaid Fraud happens when an employer or employee is untruthful regarding services provided or employee hours in order to get improper payment. Medicaid fraud is a felony and conviction can lead to large penalties. Additionally, people convicted of Medicaid fraud cannot be hired for any employment with a program or place receiving Medicaid funding.

Examples of Medicaid fraud include:

- Submitting timesheets for services that were not provided
- Submitting timesheets for services provided by a different person
- Submitting twice for the same service

The State of Montana requires that suspected cases of fraud be referred to the Medicaid Fraud Unit at the Department of Justice for investigation and possible prosecution.



## **Service Monitoring**

The member's case manager is responsible for making sure that the information contained in the plan of care is accurate, for making sure that the member is making progress towards his or her goals, and getting any new information about supports.

Once every quarter the member's case manager will review the self-directed services identified in the plan of care and determine progress on outcomes and identified needs.

The member/employer's Support Broker may assist in presenting this information if desired.



## **Being an Employer**

One of the parts of being in the Employer Authority Option that is new to most people is being an employer. This section discusses the rules about being an employer that members need to follow in the Employer Authority Option. To make the terms simple, this section uses the term “employer” it is understood that employer may be the member, a parent or a representative that the member has asked to serve as the employer.

### **Who Can Be An Employee?**

Employees are hired by the employer acting with Employer Authority are the legal employees of the employer. An employer in the Employer Authority Option can usually hire whomever they want to care for them but the employee must meet the qualifications set out by DDP.

Family members can be employee unless the person is fiscally responsible for the care of a member. A person who is fiscally responsible generally means the person’s spouse, parents if the person is a minor child, the legal guardian of the person with authority to manage the person’s money, or the person’s legal representative payee.

An employee of a person self-directing can work with several different members who are also self-directing with employer authority. However, that employee must complete fiscal agent employee paper work for each employer who the employee will be working for. This may allow multiple employees to work for multiple employers and for employers to combine and/or create flexible employee pools for service coverage.





## Qualifications and Required Training of Employees

All employees the employer hires to provide direct services must meet minimum qualifications established by the waiver for each service.

### First Aid Certification

Depending on the service provided, some employees are required to maintain **current** First Aid certification throughout the course of their employment. If the employees' First Aid certification expires, then the employee may not be paid for providing services to the member under the Self-Direct with Employer Authority option. Resources for training are listed in Appendix D at the end of this handbook.

### Required Training

Depending on the service provided, some employees are required to complete training modules in the Elsevier DirectCourse Online Curricula, also referred to as the College of Direct Support (CDS). This is an on-line training and can be completed through any computer with internet access. The Administrative Assistant in the Developmental Disabilities Regional Office can provide assistance in accessing this website and assignment of the required lessons.

<b>Self-Directed Services – Required</b>
<b>CDS: Maltreatment: Prevention and Response:</b>
Lesson 02: What is Maltreatment?
Lesson 03: What is Abuse?
Lesson 04: What is Neglect?

Lesson 05: What is Exploitation?
Lesson 08: An Overview of Risks for Maltreatment
Lesson 12: Reducing Caregiver Risk of Maltreating
Lesson 13: Engaging and Supporting Protective Factors in Individuals
Lesson 16: Responding to Potential Maltreatment
Lesson 17: Where to Report Potential Maltreatment
Lesson 18: How to Report Potential Maltreatment
<b>CDS: Professional Documentation Practices:</b>
Lesson 01: The Purpose and Meaning of Documentation in Direct Support Work
Lesson 02: Reasons for Documentation
Lesson 03: The Basic Rules of Documentation
Lesson 04: Documentation and the Direct Support Professional
Lesson 05: Protecting Confidentiality
<b>CDS: Safety:</b>
Lesson 01: What is Risk?
Lesson 02: Balancing Risk with Individual Safety and Choice
Lesson 03: Personal Safety
Lesson 04: Individual Safety Plans
Lesson 10: Fire Prevention
Lesson 11: Fire Emergency Response
Lesson 12: Fire Emergency Plans and Evacuation
Lesson 13: Individualized Fire Safety Plans and Skills
Lesson 14: Community Safety
Lesson 17: Role of the Direct Support Professional: Accident Prevention, Risk Assessment, and Risk Management
Lesson 19: Reporting Incidents and Accidents

Other useful information and subject matter is also available in CDS. Employers may look at the CDS training list and consider other courses they may want their employees to complete. Employees can use any training offered through CDS at no cost. Contact the Administrative Assistant in your DDP Regional Office for assistance.

**It is the employer’s responsibility to make sure that his/her employees have completed their required training and that it be up-to-date.**

A copy of the employee’s current training certification card(s) must be on file with the fiscal agent before the employees can provide paid services to the member.

The training required by the DDP is not intended to be the only training an employee receives. Employees providing services to the member should be aware of how to use emergency assistance systems and be knowledgeable of the member’s physical and mental

conditions as well as of the member's common medications and related conditions. The member's employees should understand how to:

- protect the member's health and safety;
- protect the member's individual rights;
- follow reporting procedures;
- recognize and prevent abuse, neglect and exploitation;
- use training techniques; and
- safely manage their own and the member's behavior.

The employer, the member's representative or family can also require other qualifications. For example, the member may require knowledge of sign language, or the ability to prepare special diets. Assistance in obtaining special training may be available through the DDP.

The CDS training, training from the employer about the individual member's needs and plan of care with possible assistance from the Support Broker will make sure the employee has these skills.

## **Specific Staff Qualifications for each service**

Different types of work have different qualifications. Qualifications in the DDP waiver for some of the common tasks employers hire workers for are below:

### **Respite**

In order to provide respite services, the employee must:

- Be at least 16 years old
- Only employees 18 years of age and over are permitted to provide services that are medical in nature;
- Within 30 days of hire receive training in areas specific to the needs of the member, as outlined in the training plan included in the Self-Direct with Employer Authority Plan of Care;
- Current first aid and CPR; and
- Complete required CDS training within 30 days of hire.

Other rules that apply to hiring workers for respite include:

- For members under 18 years old, workers may *not* be the parents/legal guardian.
- For members over 18 years old, workers *may* be the member's parent or relatives, but may NOT be the member's primary caregiver, spouse, or a legally fiscally responsible person.
- If providing transportation to the member, the worker must have:

- a. A valid Montana driver's license;
  - b. Adequate automobile insurance as determined by the department;
  - c. Have a vehicle which meets all federal, state and local laws and regulations.
- *Not* required to pass a criminal background check.

## **Personal Supports:**

In order to provide personal support services, the employee must:

- be a minimum of 17 years old;
- pass a criminal background check;
- Within 30 days of hire receive training in:
  - abuse reporting;
  - incident reporting;
  - client confidentiality;
  - service documentation requirements: and
  - training in areas specific to the needs of the member as outlined in the training plan included in the Self-Direct with Employer Authority Plan of Care.
- Current first aid, and other training in accordance with DDP requirements; and
- Persons assisting with medications will be certified in accordance with ARM 37.34.114.

Other rules that apply to hiring workers to provider personal support services include:

- For members under 18 years old, workers may NOT be provided by the parents/legal guardian.
- For members over 18 years old, workers may be the member's parent or relatives, but may NOT be the spouse or a legally fiscally responsible person.
- If providing transportation to the member, the employee must have:
  - a. A valid Montana driver's license;
  - b. Adequate automobile insurance as determined by the department;
  - c. Have a vehicle which meets all federal, state and local laws and regulations.

## **Supported Employment—Individual Employment Support:**

In order to provide Individual Employment Support services, the employee must:

- Be at least 17 years of age;
- Pass a criminal background check;
- Within 30 days of hire receive training in:
  - Abuse reporting;
  - Incident reporting;
  - Client confidentiality;
  - Service documentation requirements; and
  - Training in areas specific to the needs of the member, as outlined in the training plan included in the Self-Direct with Employer Authority Plan of Care; and
  - Any other training requirements as outlined by the Department.
- Current first aid certification, and other training in accordance with DDP requirements; and
- Persons assisting with medications will be certified in accordance with ARM 37.34.114.

Other rules that apply to hiring workers to provide individual employment support services include:

- For members under 18 years old, workers may NOT be provided by the parents/legal guardian.
- For members over 18 years old, workers may be the member's parent or relatives, but may NOT be the spouse or a legally fiscally responsible person.
- If providing transportation to the member, the employee must have:
  - valid Montana driver's license;
  - Adequate automobile insurance as determined by the department; and
  - a vehicle which meets all federal, state and local laws and regulations.

## **Supported Employment—Follow Along Support**

In order to provide Individual Employment Support services, the employee must:

- Be at least 17 years of age;
- Pass a criminal background check;
- Within 30 days of hire receive training in:
  - Abuse reporting;
  - Incident reporting;
  - Client confidentiality;
  - Service documentation requirements; and
  - Training in areas specific to the needs of the member, as outlined in the training plan included in the Self-Direct with Employer Authority Plan of Care.
- Current first aid certification, and other training in accordance with DDP requirements; and
- Persons assisting with medications will be certified in accordance with ARM 37.34.114.

Other rules that apply to hiring workers to provide individual employment support services include:

- For members under 18 years old, workers may NOT be provided by the parents/legal guardian.
- For members over 18 years old, workers may be the member's parent or relatives, but may NOT be the spouse or a legally fiscally responsible person.
- If providing transportation to the member, the employee must have:
  - A valid Montana driver's license;
  - Adequate automobile insurance as determined by the department; and
  - a vehicle which meets all federal, state and local laws and regulations.

### **Supported Employment—Co-Worker Support:**

In order to provide Individual Employment Support services, the employee must:

- Be at least 17 years of age;
- Pass a criminal background check;
- Receive any specialty training relating to the needs of the member served, as outlined in the plan of care.

Other rules that apply to hiring workers to provide co-worker support services include:

- For members under 18 years old, workers may NOT be provided by the parents/legal guardian.
- For members over 18 years old, workers may be the member's parent or relatives, but may NOT be the spouse or a legally fiscally responsible person.
- If providing transportation to the member, the employee must have:
  - A valid Montana driver's license;
  - Adequate automobile insurance as determined by the department; and
  - a vehicle which meets all federal, state and local laws and regulations.

## Support Broker:

Support Broker services may be provided by a person hired directly by the employer or they may be provided by an agency contracting with DDP to provide this service. If the employer chose to hire their Support Broker, the following rules must be followed:

- The member's parents, spouse, legal guardian or employees of agencies providing other DDP funded services to the member cannot be hired as the member's Support Broker.
- Any persons who function as the member's conservator, payee, or who have any other money management responsibilities for the member cannot be the member's Support Broker.
- The person must be a minimum of 18 years of age
- The person must pass a criminal background check
- The person must be certified as Support Brokers *before* being hired.
- The person must maintain certification in accordance with DDP requirements.



## Criminal Convictions Background Check



A criminal conviction background check must be completed before the employer can hire an applicant to deliver waiver-funded services, with the exception of those employees who will provide only respite, or transportation services. The fiscal agent will complete the required background checks after receiving authorization from the applicant through the submission of a completed employee agreement form.

It will take the fiscal agent approximately four (4) business days to process the criminal conviction background check. If the employer does not receive results within four business days he/she may want to consider contacting the fiscal agent.

The fiscal agent will notify the employer that the applicant is clear for hire if he/she does not have a history of criminal conviction reported.

If the applicant does have a history of criminal conviction(s) the fiscal agent will notify the employer of the history. It is the employer's decision whether or not to hire the applicant. Hiring a person with a history of criminal conviction(s) is a serious responsibility. If the employer decides to hire the applicant he/she must complete a "Criminal Background Check History Acknowledgement and Waiver" form provided by the fiscal agent. This is to document that the employer knows of the applicant's criminal conviction history and is still choosing to hire him/her. The completed form must be signed and submitted by the employer to the fiscal agent. The employee is not eligible to deliver waiver-funded services until the fiscal agent has cleared him/her to work with the member.

**Note: If an employer is re-hiring a worker, a new background check must be completed based on the date the applicant is reapplying for employment.**



## Job Descriptions

Information in this section is excerpted from:

*Recruiting, Managing, and Training of Personal Assistants: A Handbook for People with Disabilities by the Coalition of Texans with Disabilities and the Texas Planning Council for Developmental Disabilities*

An important key to the member's and the employee's success is a specific, easy-to-understand job description for employees. The job description must be consistent with the member's approved plan of care, including the services and duties identified to meet the member's needs.

Specific DDP Waiver Service Descriptions can be found on the Developmental Disabilities Program website at:

<http://dphhs.mt.gov/dsd/developmentaldisabilities/DDPmedicaidwaivers>

Remember, employees are only paid to do the things needed to help the member reach the goals agreed to in the plan of care. Services that do not match the plan of care will not be paid under the waiver.

Before talking with prospective employees, the employer should write out a brief description of the job to provide the potential employee with details of what they would be doing to support the member. A job description is used to define duties and manage the time of the employer's workers. It is not meant to replace any training or specific directions but is useful in deciding what training an employee will receive. The employer should be ready to hand out a job description when a possible employee is interviewed.

The following are some reasons why it is important to have a job description:

- The employer will have identified exactly what supports he/she needs from the staff.
- It can be used to help develop questions when the employer interviews applicants.
- It gives applicants a clear idea of what the position requires.
- After the employee has been hired, it may serve as a checklist of duties.
- It may be used as a way to evaluate the employee's job performance.
- It will help the employer know what is and what is not okay to ask the employee to do.
- It may help settle disagreements between the employer and the employee about the duties of the job.
- It helps keep the lines of communication open.

A job description should include the anticipated days and times the employer wants the employee to report to work, the employee's duties (including the assistance the member needs in reaching personal outcomes as identified in the approved plan of care), and any special requirements the member has for the employee to meet the member's needs. An example job description is available in Appendix E-2 at the end of this handbook.

For more Montana Employer information:

<http://dli.mt.gov/>



## Recruitment and Advertising

Once the employer has completed the job description, he or she is ready to recruit and advertise for potential employees. There are many methods of advertising and recruitment that the employer can use when looking for good, dependable employees. Do not rule out any possibility. Below are some suggestions for finding prospective employees:

- **Newspaper Advertisements**  
Classified ads in newspapers are an efficient method to reach a large audience. Neighborhood newspapers are cheaper than major citywide newspapers, and are good to target potential employees who live closer to his/her home.
- **Local Newsletters**  
Sometimes disability and other community organizations and churches will run short ads in their newsletters.
- **Colleges and Universities**  
Colleges can be an excellent source for finding employees. Many students are looking for extra income to help them through college. Students that have majors in the area of health and human services are often looking for work experience. To advertise a position, contact the career placement office or the student housing office on campus. The employer might also try health related education departments such as physical therapy, occupational therapy, and nursing.
- **Word of Mouth**  
Don't forget to ask family, friends and neighbors if they, or if they know of anyone who would make a good employee. Let them know what qualifications the employer is looking for, and ask them to tell others about the position, too.
- **Local Agencies**

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**  
Hang flyers on bulletin boards where a lot of people might see them, such as: grocery stores, banks, apartment buildings, restaurants, community centers, and churches.
- **Local Employment Offices/Rehabilitation Agencies**  
One source often overlooked is rehabilitation agencies. Talk to their staff, hang flyers, and get the word out.
- **Networking**  
Exchange of information, names, resources, and services among and between other employers who are self-directing with employer authority. Web applications such as Facebook or Twitter could be useful tools to share information.

## Contents of an Advertisement

The more complete the information in the advertisement, the more the employer can be sure that the prospects that contact the employer are truly interested, and potentially qualified for the job. It is a good idea to include:

1. The employer's first name (It is recommended **NOT** to use the employer's last name.)
2. Job title and a short description of the job
3. Phone number

### **Helpful information the advertisement may include:**

1. Hours
2. Qualifications required
3. Compensation and benefits offered
4. General Location

It is **not** a good idea to include the employer's address or other private information in the advertisement.

The employer may want to have the first meeting with an applicant in a public place rather than in his/her home.

The following is a sample advertisement that the employer can use as a guide:

**Personal Supports Worker** - Needed to assist male with physical disabilities needing supports in the areas of personal care, shopping, and light housekeeping in the Helena area. Part-time, 4 days/week. Flexible schedule available. Driver's license preferred. This is an ideal position for a college student. \$\_\_./hr. Call (406) 111-1111 evenings for more information.

To make sure there is consistency, it's recommended that applicants fill out a job application. A sample Job Application is at the end of this handbook in Appendix E-1, or in start-up information provided by the fiscal agent.



## Screening Applicants

### The Initial Telephone Contact

It is a good idea to start the interview process with a telephone call. This can be fairly brief, can give the applicant more information about the job, and give both the employer and the applicant an idea whether they want to move to a face-to-face interview. In the telephone contact, give a brief description of the duties of the position, number of hours the job requires, and the amount and method of pay and any benefits the employer will be providing.

If the applicant is interested, ask applicable questions, and record answers:

- Will the applicant give me his/her name, address, and phone where the *applicant* can be reached?
- What days/hours is the applicant available to work? Does the applicant have any times when he/she is more/less available that I need to consider? Are there days the applicant definitely cannot work?
- Has the applicant ever assisted or worked for a person with a disability before? If yes: ask the applicant to tell a little about the kinds of tasks the he or she performed.
- Does the applicant have reliable transportation?
- Is the applicant at least the age required for the service and does the applicant have a valid Social Security number?
- If the member has a pet in his/her home, is the applicant allergic to pets?
- Are there tasks the applicant objects to performing (i.e. bathing, toileting, and dressing)?
- Does the applicant have any experience in lifting, transferring, and positioning? (If the member needs assistance with these activities)
- Can the applicant cook and would the applicant mind doing housework?

Tell the applicant the employer will call back to make an appointment for an interview (if the employer is interested in a face-to-face interview). Even if the applicant is unsuitable for the job, always thank them for their interest.

## The Personal Interview

Call those applicants that appeared to be good prospects and schedule each for a face-to-face interview. When scheduling the interview, the member may consider meeting at a "neutral" location outside of his/her home for personal safety purposes. The employer may also want someone to come with them as a support person and to help thinking through whether the applicant is right for the job. Allow plenty of time between each interview.

The interview is important because this is the time when the employer lets the applicant know about the job in detail and gathers information about the.

Ask the applicant to bring to the interview:

1. A Montana Identification Card or Driver's License,
2. Proof of address
3. Proof of automobile insurance (if the applicant will be driving their own car as part of the job),
4. Names and numbers of at least three (3) references.

When the applicant arrives there are a few suggestions that can make the interview successful. Some things may need to be repeated from the telephone contact for clarification purposes:

- Help the applicant feel as comfortable as possible, and get to know each other a little.
- Tell the applicant about the member's disability in general. The employer will speak more in specifics during training if the applicant is hired.
- Ask the applicant to see his/her identification.
- Ask the applicant to fill out an employment application. The employer may want to send the application out beforehand so the applicant can come to the interview with it filled out. Employment applications are useful because they are a good way to keep up with the applicants that the employer has interviewed. They also simplify record keeping and are an easy way to have quick access to the information the employer will need to make a final decision. It will give the employer good information to ask questions about during the interview as well as provide a good resource for back-up or substitute workers if the member's regular employee is unable to get to work.
- Give him/her a copy of the job description to read and explain the duties and responsibilities of the job thoroughly. Ask if he/she can safely perform the functions of the job (i.e. lifting, transferring, etc.).
- Ask the applicant to tell the employer about him/herself. Be sure to ask questions about past work history, reasons for leaving other employment, any past



experience with personal assistance, and why they are interested in this position. Ask if the employer may contact former employers for a job reference. Ask about their career goals and why they are pursuing this type of work.

- Describe the work schedule, pay method, any benefits and leave plan, and the employer's method of evaluating an employee.
- Give the applicant an opportunity to ask questions.

Tell the applicant the employer will call as soon as a decision is made. (Be sure to contact the applicant even if the employer decides not to hire him/her). Thank them for their interest and time.

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

The following are a few sample questions the employer can ask during the personal interview to help choose the member's assistant:

- How far does the applicant live from the job? (Workers who commute long distances sometimes don't stay with a job.)
- Has the applicant had any experience giving personal care?
- How will the applicant go about having several things to do so that all are performed on time?
- Is the applicant comfortable performing personal care duties such as assisting with bathing and toileting?
- What does the applicant think will be the best and worst part of this job?
- What did the applicant like best and least about his/her last job?
- What are the applicant's best and worst qualities?
- Why is the applicant interested in being a personal assistant?
- How did the applicant handle disagreements with his/her past employers?
- Describe a possible situation in the work and ask what the applicant would do in that situation.

When interviewing applicants, apply the same standard that is applied to selection of all job applications – ask only about things that are directly related to the job requirements for the position under consideration.

Do not ask personal questions that do not apply directly to the job requirements. Remember, it is against the law, to discriminate against an applicant because of his/her race, color, religion, gender, sexual orientation, national origin, or disability.

Ask all the applicants the employer interviews the same questions to make sure the employer can compare their responses fairly.

The following are guidelines on what the employer can or cannot ask during an interview:

Subject	Do NOT Ask or Do	May Ask or Do
Marital Status	Is the applicant married? Single? Divorced? Engaged? Separated? Maiden Name?	<b>AFTER</b> hire, marital status for insurance or tax purposes
Children	Does the applicant have children? How old? Who takes care of them? Does the applicant plan to have children?	<b>AFTER</b> hire, number and ages of children for insurance needs only.
Housing	Does the applicant own his/her home? Does the applicant rent? Does the applicant live in an apartment or a house?	If the applicant has no telephone how can I reach the applicant?
Criminal record	Has the applicant ever been arrested or spent time in jail?	Has the applicant ever been convicted of a serious crime?
Military status	What type of military discharge does the applicant have? In what branch did the potential employee serve?	Is the applicant a veteran? Does the applicant have job-related military experience?
National origin	Of what country is the applicant a citizen? Nationality of his/her parents? Native born or naturalized? What languages does the applicant use?	Is the applicant a U.S. citizen? If not, does the applicant have the legal right to work in the U.S.?
Age	How old is the applicant?	Is the applicant over 18? <b>AFTER</b> hire, exact age or date of birth can be asked.
Ethnic background	Any questions about ethnic origin are not permitted nor are any comments regarding complexion of color on skin.	
Religion	<b>AFTER</b> hire, the employer may ask about religious observances that may interfere with work.	



## Checking References

Before the employer decides which applicant(s) he or she wants to hire, check the applicant's work and personal references. Checking references is essential and can give the employer valuable information about the applicant. Be sure to ask the applicant his/her current employer can be contacted for a reference check.

The employer can ask the following, but the previous employer is not legally required to provide the employer the information:

1. Did (name of applicant) work with the employer during (dates of employment)?
2. What kind of work did he/she do for the employer?
3. Why did (name of applicant) stop working for the employer?
4. Did he/she arrive to work on time?
5. Would the employer hire him/her again?
6. What were his/her strengths?
7. What could have been improved about his/her job performance?

Be careful if the applicant has held three or more jobs in the last five years, because it may be a sign they will not last. Be sure to check both work and personal references. A sample reference check form is in Appendix E-4 at the end of this handbook.



## Making the Decision

It is important to think carefully about the people that the employer has interviewed. Think about the information the employer received from the interviews and how the applicant responded. How something is said can be as important as what is said. Think about what the references told the employer.

Here are some questions the employer may want to ask him/herself when considering the people he or she interviewed:

- Was there anything that stood out in the interviews?
- Did the employer feel comfortable with this person?
- Did the applicant seem uncomfortable about some of the employer's questions? Which ones?

If the employer is having trouble deciding, talk to the Support Broker or Case Manager. Sometimes talking about things with someone else can help the employer decide which applicant is the best choice.

If the employer has decided on an applicant to hire, contact the potential employee and ask if he/she is still interested in the job. If he or she is, then ask the applicant to complete the required forms in the start-up information provided by the fiscal agent.

Wait until the fiscal agent notifies the employer that the applicant is clear for hire before allowing the applicant to do any work. The fiscal agent usually notifies the employer of an applicant's eligibility for hire within four (4) business days.

Notify the applicant of his/her **start date**, which can be no earlier than the date the fiscal agent clears the applicant for hire.



## Managing Employees

**The Support Broker may provide the employer assistance with the functions identified in this section.**

Be sure to protect the confidentiality of employee records. Make certain that employee records are stored in a safe place where other people can't get to them easily. This can be as simple as a locked file box or file cabinet kept in a closet. Details of disciplinary action must remain between the employer and employee unless the employee has signed a release of information.

### Overall Expectations for Employees

It is important for the employer to discuss with employees their expectations, the importance of having open communication between the employer and the employee, and how the employee's job performance will be evaluated. The employer and the employee will both have expectations of each other. The employer should explain how issues will be resolved and the communication style the member responds to best. The employer should also talk with the employee about the kinds of communication he or she responds to best. The following questions are a guide to start the communication process:

Regular discussions the employer should have with each employee:

1. What the employer expects from the employee.
2. What the employee can expect from the employer.

Issues the employer should address with each employee at the start of employment:

1. Probationary and training periods the employer has set up
2. The employer's approach to dealing with problems or issues.
3. The way the employee's performance will be evaluated.

4. Possible reasons for dismissal from this job (examples: abuse, neglect, exploitation, unexcused absences).

It is a good idea to have a way to move from small responses to problems to more serious responses that both the employer and employee can understand and work with.

## Training Assignments and Probationary Periods

The employer will have a training period of thirty (30 days) in which new employees will complete required training. This is especially useful for training that specific to the current position or is not easily available to the general public. While employees who provide Personal Supports must complete required coursework in the College of Direct Supports, there may be some things about working with this particular member that the employee needs to know. This might be how to use a piece of equipment, for example. Employers may also choose to have their employees receive other special training which may not be about the specific member but would make them better employees in general.

The employer may also choose to have employees work a period of time as a trial period prior to establishing employees as permanent employees. Often employers have a six month probationary period. This allows the employer and the employee to determine if there is a good fit between the employee and the job the employee is expected to perform. When a probationary period has been established, it allows both parties to part on good terms when the match between the employee and the position is not working out.

Frequently employers pay employees a slightly lower rate of pay initially and use the successful completion of training or a probationary period as a chance to offer raise in pay. The employer may want to have raises every year as a way to reward workers who stay. Raises can also be a way to reward existing staff who continue to improve their job skills. DDP has set an upper limit to the amount of money that can be paid to the employee. It is wise to set wages with room to provide employees with opportunities for raises within the waiver rates.

It is important to document any training or probationary periods or incentives you have established for your employees. Montana Labor Law presumes a six-month probationary period if there is no established probationary period.



## **Getting Started With/Training New Employees**

After the applicant has been cleared for hire by the fiscal agent, he/she may begin working with the member.

On the employee's first work day, the employer should summarize many of the things discussed during the job interview. The employer will review the authorized tasks that the employee will be doing with the member, showing them where necessary supplies are kept and how the member would like things done. The employer will also go over the employee's work schedule so that everyone is clear on what days the employee will be coming, how many hours he or she will work each day, and the procedure for completing timesheets and progress notes. Then, the employer will want to share all of the information the employee needs to give the best care and protection if an emergency occurs.

Employees need to know the following information:

- Personal information about the member's abilities to perform daily activities;
- Any health issues that will require special actions on the employee's part.
- How to correctly use any special equipment that helps with daily activities or maintains the member's health.
- Steps in carrying out assigned tasks & procedures;
- Any allergies or special dietary concerns and how the member would like the employee to respond to these concerns.
- If the member needs assistance with self-administration of medication.
- Who to contact in case of an emergency.
- How to get out of the house in case of an emergency.
- The best times for the employer and employee to contact each other and the phone numbers where each of the persons can be reached.
- Incident management and reporting;
- Needed documentation and where to find it;

The employer should be sure that each employee agrees to the following:

- The specific tasks the employee will perform with the member;
- The hours and days the employee is expected to work and the need for advanced notice to the employer when the employee is unable to work the scheduled hours;
- The rate of pay, pay period, and pay days;
- Overall expectations related to the employee's job performance; and
- Under what conditions the employee may be released or fired from his/her duties.

## **Tips for Training New Employees**

Training is one of the most important parts of managing employees. The member is the expert in knowing his or her care needs. Even experienced employees need to be trained in how the member wants things done.

There is more than one way to train employees. Some people will respond well to spoken directions while others may respond better to hands-on demonstrations.

If the employer is training a new employee, here are things that the employer may want to do:

- Give a lot of examples and explain any technical terms that may come up in caring for the member.
- Talk about any symptoms or health concerns they need to be aware of. Include anything that may arise and how to handle the situation.
- As the member goes through his/her routine, explain why tasks need to be done. This will help the employee realize the importance of these tasks.
- Provide training on how to operate any life support equipment the member has. Include how to properly handle and clean this equipment or any other medical supplies the member uses.
- Ask employee for feedback as things are explained. Maybe there is a way the employer could be clearer in his/her explanations.
- Stress the importance of documentation of tasks and times.

By providing good training up front, the employer may increase the chances of his/her employee being able to do the job better. Taking more time to provide training in the beginning can lead to better overall results. Be patient with employees; learning how to do new things may take a while. Don't become frustrated if the employee does not catch on right away.

The employer should document all training provided to employees and keep it in each employee's file. Documentation should include the name of the employee, the date(s) of the training, and topics covered.

The "*Developmental Disabilities Program Self-directed Services Training Plan Checklist*" is included in the Appendix F of this handbook and will be **required** in plans of care for members Self-directing with Employer Authority.





## Setting Employee Work Schedules

The employer will set employees' work schedules based on service needs in the approved Plan of Care and budget. The schedule that is developed should meet the member's needs and be clear to everyone.

Here are some suggestions, to develop a schedule:

- Schedule employee(s) on a monthly basis. That way, if changes need to happen, there is time to work out the details.
- Post the schedule in at least one place.
- Give a copy of the schedule to employees.
- Give advance notice for schedule changes (both the member and the employee). For example, if the member is going on vacation, tell employees ahead of time about the change in the work schedule.

Specify with staff their hours, the number of hours per day, and days per week that the employer expects them to be on the job. Stress the importance of a regular schedule and advanced notice of days or hours they are not available. Stress arriving and leaving on time.

## Setting Employee Hourly Pay Rates & Benefits

The employer will set an hourly pay rate for employees within DDP approved rate guidelines. The fiscal agent will provide you with information regarding how much the employer can pay employees for each service.

## Setting Employee Specific Tasks

Tasks are the things that employees do to assist the member in staying independent and meeting personal goals. Examples of tasks include assistance with bathing, driving, cleaning, and cooking. Remember, employees need to document the tasks they complete on a daily basis.

Tasks can be scheduled on a daily basis and/or on a weekly basis. Here is an example of a morning task schedule:

6:00 – 6:30 Get up; assist with showering, dressing, and brushing hair and teeth  
6:45 – 7:15 Make breakfast, assist with eating, clean up dishes  
7:15 – 7:45 Assist with toileting, make lunch, and take medications  
8:00 - 8:30 Wait and assist with carpool to work.  
Shift done after leaving for work with carpool

Here is an example of a weekly task schedule:

Monday	Daily tasks and pool therapy
Tuesday	Daily tasks, ironing, clean bathrooms
Wednesday	Daily tasks, clean kitchen and refrigerator
Thursday	Daily tasks and pool therapy
Friday	Daily tasks and clean bathroom and living room
Saturday	Daily tasks and laundry
Sunday	Daily tasks, grocery shopping, and errands

Remember, the employer will set specific tasks based on the things in the plan of care. The employee's specific tasks should be listed on his/her job description.



## Performance Evaluations

Give employees a copy of the job description when they first start working so they will know the areas in which they will be reviewed. Also let them know if a pay raise is attached to results of their evaluation. The employer should have regular conversations with each employee so they know if they are meeting the employer's expectations. If there are problems, the employer should address the issues with the employee immediately and write down these incidents and any follow up actions.

The employer should be proactive in dealing with employee job performance issues and conflicts. Proactive means to address a situation before it becomes a problem. There should be no negative issues in the performance evaluation that have not already been discussed with the employee.

When the employer meets with an employee for the evaluation, there should be two-way communication – the employer listens to the employee and the employee listens to the employer. Have some ideas of what you, the employer, wants to say in each area of the evaluation but also be prepared to listen to comments from the employee.

It is a good idea to conduct at least an annual evaluation of the employee's job performance.

Sample evaluations the employer can use or adapt for use with the employee are included in Appendix E-3 of this handbook.



## Documentation of Management Activities

All documentation of employer/employee activities is confidential. Employee records should be secure from access by other persons. Employees may view their records when they request, but may not remove information from their file without your agreement.

The employer should write down all employee-related issues including:

- Training the employee attends and information the employer gives to the employee.
- Things the employer feels the employee does that are good.
- Problems the employer has with employee's performance and actions and events that may or may not lead to termination of the employee.
- Completion of training or probationary periods
- Other job related information that affects the management of employees.

It is good management practice for the employer to review all written documentation with the employee on a regular basis. Use what is written in the employee's record as a way to problem solve with the employee, discuss what they think and find ways to make the work better. Writing down events leading up to termination of an employee is necessary in all cases but especially to have on hand if:

- If the employee files a wrongful termination complaint with the Montana Department of Labor.
- If the employee files a complaint of discrimination with the Montana Department of Labor.

Details of events leading up to termination of an employee should be documented to prevent misunderstandings and confusion and to document how the employer has tried to resolve the issue.



## Conflict Resolution

As with any employment situation, there may be some areas of conflict at times between the employer, and employees. Sometimes conflict is due to poor job performance on the part of the employee. Perhaps the training received did not address procedures and techniques that the employee needs to know how to do. If the employer suspects this might be the case, focus training on the parts of the job that are causing the employee difficulty. Many times this "refresher course" will solve what seems to be a serious problem.

Arriving on time, following work schedule, and doing tasks at specified times may be a problem for some people. If a pattern begins, talk to the employee as soon as possible to tell the importance of being on time. Be sure to write down all problems and conversations.

There are other times when an employee and employer simply do not get along due to personality differences. Write down problems, conversations, training, and other things that have happened. Before the employer gives up completely on the relationship here are a few suggestions to try to solve the problem:

1. **Keep the lines of communication open.** When a conflict arises, do not shut down. Keep talking, and try to find out the true reasons behind the conflict. The problem will not go away by ignoring it.
2. **Bring in a third person to help settle the conflict.** The Support Broker who is objective and neutral about the situation, can often help with a resolution that both parties can live with.
3. **Look to the employee's written agreement for resolution.** A written agreement helps prevent or clear up disagreements about duties, salary, time off and benefits. This is another good reason to have a clearly written agreement between the employer and his/her employee.
4. **Look for compromise in genuine differences of opinion.**



## Termination of Employees

If all else fails the employer may need to take the responsibility of terminating (firing or dismissing) the employee. It may be due to failure to follow safety procedures, chronic lateness, inability to follow directions, or personality conflicts. Whatever the reason, it is never easy to do. The employer can choose exact method to let an employee go.

The employer must notify the fiscal agent whenever an employee is terminated or when an employee stops working for the employer.

It is recommended that the employer make arrangements for back-up coverage prior to terminating an employee.

### Tips on Termination

Below are **suggested** ways to handle the difficult task of terminating an employee:

- Do it in person or over the phone if the employer feels more comfortable with this approach. (The employer may want to have a third party such as the Support Broker or a friend with them when terminating an employee.)
- Do not drag it out, be direct, and come straight to the point.
- Some suggested phrases to use are: "I am sorry, but ... I do not feel you are appropriate for this job," .... "You are not fulfilling your job obligations," ....or "I won't need your services anymore."
- Be sure to have the employee sign his/her current timesheet before leaving. Submit the timesheet to the fiscal agent with termination information. When an

employee is terminated, the fiscal agent must process the last paycheck within a certain number of days based on state law.

- If the employee has a key to the member's residence or anything else (credit cards, ATM card, etc.) that must be returned, be sure to collect the items before the last paycheck is processed.
- The terminated employee may talk to other employees about the situation. However hard it may be, the employer must not talk to other employees about that employee's issues.
- Analyze what went wrong to avoid similar situations in the future with other employees. Take action right away when similar situations come up with others.

Remember, it is against the law to terminate or lay off an employee because of age, race, religion, gender, sexual orientation, national origin, or disability.



## Protecting Yourself and Your Property

Hiring a worker almost always means that someone is in your house on a regular basis. While you will want to trust your worker, bad things can happen so it is a good idea to make as sure as you can those workers don't take or use your things without your permission.

### Tips on Protecting Your Property:

#### To protect your property:

- **Make an inventory.** You should list valuable items, the date of purchase, and the original price. Save receipts and serial numbers if possible. Better yet, take photographs or make a video recording of your valuables. Give a copy of your inventory to your insurance agent, family member, and/or friend. If you have a loss, it will help establish proof of value for filing an insurance claim.
- **Mark valuable items.** Marking things most likely to be stolen like the TV and stereo with a hard to remove tag, will help police trace them and return them to you if they are recovered.
- You may consider purchasing a **homeowner's or rental insurance** policy to help you get payment to replace some of your property in case of fire, flood, theft, or other loss.



- When you must terminate an employee, you may want to:
  - Check your telephone bill and make sure there are no phone calls charged by an ex-employee.
  - Check credit card bills for charges you did not make, and if you allowed your employee to withdraw money with your ATM card, change your PIN number.
- Be sure to get your keys from your employee when you are terminating. Change your locks if the employee does not return your keys.

## **Safety Precautions when Terminating Employees**

Terminating an employee can become a very stressful event for you and for your employee. Emotions are often high and tempers may flare.

Arrange for the termination meeting to occur when you are not alone with the employee. As with any disciplinary action, the termination meeting is confidential. The other person should not be present in the room, but should be available if needed.

If the ex-employee threatens you during the termination conference, document the threat and be sure to notify your Support Broker or Case Manager of the threat. If you feel the threat places you or another at risk of harm, you may also need to contact the police.

Inform your ex-employee that unless your ex-employee has made arrangements for you to be present, the ex-employee is not to be on your property. Arrange for another person to be present if needed.

You may want to notify neighbors and others that you have terminated the employee and ask them to check on you or notify law enforcement if they see the ex-employee around your house.