



SE MN Center for Independent Living, Inc.

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**DIRECT SUPPORT PROFESSIONAL  
EMPLOYEE POLICY AND PROCEDURE HANDBOOK**

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## **SECTION A: INTRODUCTION**

### **A.1 WELCOME**

Welcome to SEMCIL! Each employee contributes directly to the growth and success of SEMCIL and we hope you will take pride in being a member of our team.

Communication, cooperation, integrity and respect are essential to strong working relationships. We will do our part to ensure that your working relationship with SEMCIL and the people you serve is a positive one. Your role in creating a strong working relationship is to follow all work rules and expectations, provide the highest quality services and treat those you serve with dignity and respect.

This handbook contains a description of work expectations for Direct Support Professionals (DSPs), outlines agency policies and procedures, and describes the agency benefits available to eligible employees. All information contained in this handbook is subject to change. SEMCIL will provide updates for this handbook as they occur.

Each employee is expected to read and follow the policies in the handbook and to retain the handbook for future reference. Any questions concerning these policies and procedures set forth in this Employee Handbook should be directed to SEMCIL.

These policies and procedures are not an employment contract and should not be interpreted as creating an employment contract. All employees are employed at-will. Employment at-will means that employees are free to resign from their position with the company at will, at any time, with or without cause. Similarly, the company may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

### **A.2 SEMCIL VISION and MISSION STATEMENTS**

As a Center for Independent Living (CIL), we are dedicated to the Independent Living Philosophy. We believe that persons with disabilities have the right to equal opportunity and choice and the same freedom for self-determination in everyday life as other members of their community.

#### **SEMCIL MISSION**

The SEMCIL mission is to champion the aspirations of people with disabilities.

#### **SEMCIL VISION**

Our vision is a world free from barriers, discrimination, and inequality for people with disabilities.

### **A.3 SEMCIL CORE VALUES**

1. Purpose: The success of people with disabilities in living a life of their choosing defines our purpose and drives our determination. We are aware of and operate from that sense of purpose in all that we do. The momentum in our determination is driven by success of people with disabilities; we want individuals to have the opportunity to be adventurous, reach their goals, and share their stories.
2. Empowerment: SEMCIL provides services that empower people with disabilities to live a self-determined life, acting on their own authority, and accomplishing their unique goals with confidence. We believe our workforce and the people we serve should be empowered to embrace the dignity in being allowed to take risks even though that risk may not end in success. We encourage our employees to be adventurous in their ideas and strategies and to carry that adventurous drive with them in their support of our mission.
3. Unity: We are unique. We are an organization of people with disabilities that provides services to people with disabilities. We recognize the importance of inclusion and aim to ensure people with disabilities have equal access and opportunities. We value collaboration because it helps us to harness the diverse talents of others. This fosters inclusion and we know that when we combine powerful resources and talents we do good work.
4. Integrity: We approach our mission with respect and professionalism. Advocating for individuals and influencing the system that supports people with disabilities demands our transparency and honesty. Relationships with the people who access our services, their family members, community partners, stakeholders, vendors, and coworkers are important to us. We are resolute on building and maintaining those relationships based on integrity.
5. Excellence: We are determined to deliver services that make a difference for people with disabilities. Service excellence is our expectation, and we are accountable for our actions so that we meet this standard. We provide our employees with the tools necessary to do their best work; stand on the frontier of services for people with disabilities, and ensure recipients of our services have the best support, information, and resources.

### **A.4 Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of SEMCIL to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The company will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the agency. Contact SEMCIL with any questions or requests for accommodation.

## **SECTION B: EMPLOYMENT CONDITIONS**

### **B.1 CONDITIONS OF EMPLOYMENT**

The rules of conduct set forth in this Section and Section C are Conditions of Employment between each employee and SEMCIL. Violation of these Conditions of Employment may result in disciplinary action, up to and including termination.

SEMCIL and its employees shall comply with all laws, rules and regulations of federal, state and local governments. Any willful violation of the laws, rules and regulations of the federal, state and local governments affecting SEMCIL may result in disciplinary action, up to and including termination.

### **B.2 CORE EXPECTATIONS**

Direct Support Professionals play a critical role in ensuring our PCA recipients receive excellent quality care and services. We expect that all DSPs will adhere to the following:

- Arrive on time to your scheduled visit and remain with the PCA recipient until the scheduled visit end time.
- Review PCA recipient's care plan at the start of each visit and perform only the cares listed on the care plan. Following the plan of care will ensure you complete all of the required and necessary services.
- A copy of the care plan is given to the PCA recipient and placed in a folder with other relevant documents. Refer to the documents if you or the PCA recipient has questions about services. Call your Qualified Professional (QP) if you cannot locate the folder. If a PCA recipient asks you to perform a task or service that is not on their care plan, please contact your QP to discuss this request.
- If you have concerns and/or notice a change in the PCA recipient's condition (physical, emotional, fall, etc.), contact the QP immediately so they are aware and further investigation can occur, if necessary. PCA recipient observation, reporting to the QP and good communication are essential components of excellent care.
- Each PCA recipient has an emergency plan and contingency plan in their folder. Call 911 in case of an emergency and follow the emergency plan for phone numbers and people to notify.
- Ensure that your documentation is accurate and completed according to the appropriate documentation protocol (Dial-n-Document or OMR). Each employee is responsible for documenting their own time worked and services provided. **It is a federal crime to provide false information on PCA billings for Medical Assistance payment.** Submitting the documentation verifies the time and services identified are accurate and that the services were performed as specified in the PCA care plan.
- State legislation limits the number of hours a month worked by DSPs to 275 hours, regardless of the number of PCA agencies an employee may work for. Our responsibility is to ensure compliance with the intent of this legislation and to assure that the service needs of PCA recipients are met. All SEMCIL DSPs must notify SEMCIL if they work for another PCA agency. Violations of this policy may result in disciplinary action, up to and including termination.
- DSPs are not guaranteed set hours of work. Hours of work are based on the number of service hours authorized for each PCA recipient. Hours of work may change without notice for various reasons.
- A DSP may not be the:
  - Paid guardian,
  - Parent or stepparent of a minor child,
  - Recipient of PCA services,
  - Responsible party, or
  - Spouse of the recipient

### **B.3 CONFLICT OF INTEREST**

All employees are permitted to perform outside work so long as the outside work does not interfere with the function and performance of their duties as an employee of SEMCIL. All employees must notify SEMCIL if they work for another PCA agency. Violations of this policy may result in disciplinary action, up to and including termination.

**B.4 VULNERABLE ADULT REPORTING & MN ADULT ABUSE REPORTING CENTER (MAARC)** Minnesota law mandates safe environments and services for vulnerable adults and protective services for vulnerable adults who have been maltreated. All Direct Support Professionals (DSPs) are considered mandated reporters and MUST make a report if they have reason to believe that the abuse, neglect, or financial exploitation of a vulnerable adult has occurred. All PCA Program Recipients, 18 years or older, are considered a Vulnerable Adult.

This policy provides information on the internal and external reporting requirements, the definition of vulnerable adult and forms of maltreatment.

### **Who is a Vulnerable Adult (VA)?**

#### **Categorical Vulnerable Adult:**

Any person 18 years of age or older who is a:

- Resident or inpatient of a facility, regulated by the State of Minnesota, or
- Receives services from a facility, regulated by the State of Minnesota, or
- Recipient of home care services regulated by the State of Minnesota.

#### **Functional Vulnerable Adult:**

A person 18 years of age or older who, regardless of residence or service has an impairment or disability, and because of this impairment has:

- An impaired ability to meet basic needs without assistance, including the provision of food, shelter, clothing, health care or supervision and
- An impaired ability to protect self from maltreatment.

### **How is maltreatment of a VA defined?**

#### **ABUSE**

- Physical: Hitting, slapping, kicking, pinching, biting or corporal punishment
- Emotional: Repeated or malicious oral, written or gestured language or treatment that would be considered disparaging, derogatory, humiliating, harassing or threatening
- Mental: unauthorized aversive/deprivation procedures; unreasonable confinement/seclusion
- Sexual: Criminal sexual conduct 1st – 5th degrees
- Involuntary Servitude: Forcing, compelling or coercing or enticing a vulnerable adult to provide services for the advantage of another; and
- Use of drugs to injure or facilitate a crime.

#### **NEGLECT**

- Failure or omission to provide for basic needs; food, clothing, shelter, medical care, or supervision
- Absence of care or services essential to maintain health and safety
- Neglect may be by caregiver or self-neglect

## **FINANCIAL EXPLOITATION**

- Person has fiduciary relationship: guardian/conservator/power of attorney/joint acct/contract/documentated consent and there is unauthorized expenditure of funds or failure to use funds for VA and resulting or likely to result in detriment to VA.
- Person has NO fiduciary relationship and
  - Willfully uses/withholds/disposes of funds/property of VA
  - Obtains for self or another services to the detriment of the VA
  - Acquires possession/control/interest in VA's property / funds through harassment / undue influence / duress / deception /fraud and
  - Forces / compels / coerces /entices VA to perform services for another's advantage.

Vulnerable Adult reports are made to the MAARC, as outlined below.

### **MN Adult Abuse Reporting Center (MAARC)**

Report suspected abuse of a vulnerable adult to the Minnesota Adult Abuse Reporting Center (MAARC).

The MAARC:

- Is available 24 hours per day to take calls from mandated and voluntary reporters of suspected maltreatment of vulnerable adults.
- Immediately notifies the county agency responsible when the vulnerable adult needs immediate adult protective services.
- Immediately notifies a law enforcement agency for any report of suspected maltreatment in which there is reason to believe a crime has been committed.
- Immediately notifies the medical examiner and the Ombudsman for Mental Health and Development Disabilities for any report of suspected maltreatment which involves a suspicious death.
- Refers reports of suspected maltreatment to the lead investigative agency (LIA), responsible for the report.

A Vulnerable Adult (VA) Report may be made 24 hours a day, seven days a week by calling the statewide toll-free number or by filing an electronic report. All reports must be made within 24 hours of the alleged maltreatment.

#### **A. Phone Report**

1. Calls are made to the MAARC at 1-844-880-1574.
2. Select Option 1 when instructed. You'll be directed to a person at the call center who will record the report and any additional information.
3. After a report has been made, it will be submitted to the appropriate investigative agencies.

#### **B. Electronic Report**

1. Reports are completed online at [mn.gov/dhs/reportadultabuse](https://mn.gov/dhs/reportadultabuse)
  - a. If you submit a report using the web-based system, please print a copy and turn it in to SEMCIL.

After submitting a Vulnerable Adult report to MAARC, please complete the "Internal Report of Suspected Maltreatment of a Vulnerable Adult" form and return it to SEMCIL. Alternately, the SEMCIL internal report form can also be completed via a phone call to your Qualified Professional or the PCA Program Manager.



## **Internal Report of Suspected Maltreatment of a Vulnerable Adult (VA)**

To be used when a phone call was made to the MN Adult Abuse Reporting Center

Name and phone number of vulnerable adult:
Name and phone number of alleged perpetrator:
Description of maltreatment:
Name of person making report:
Method in which the incident as reported: <input type="checkbox"/> Phone Date and time of call to MAARC: <input type="checkbox"/> Online Date and time online form completed: <input type="checkbox"/> Other:
Additional Information:

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Printed name of person completing this form

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Signature of person completing report                      Time                      Date

## **B.5 CHILD MALTREATMENT REPORTING**

Child maltreatment is the general term used to describe all forms of child abuse and neglect. Child abuse and neglect is defined as the physical and mental injury, sexual abuse, and negligent treatment of a child under the age of eighteen (18) by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened. Child maltreatment encompasses physical abuse, sexual abuse, mental injury and neglect, which can be defined as follows:

### **Forms of Child Maltreatment**

#### **1. Abuse**

- a. Physical Abuse: Any physical injury or threatened injury inflicted by a person responsible for the child's care, on a child other than by accidental means.
- b. Sexual Abuse: Sexual abuse is defined as a person responsible for the child's care or a person in a position of authority having sexual contact with a child under the age of eighteen (18) that violates the criminal sexual conduct code, engages a child in prostitution or engages a child in sexual performance. Sexual contact includes fondling or touching intimate parts and sexual intercourse. Sexual abuse also includes the use of a child in production of sexually explicit works or knowingly allowing a child to engage in the activities described in this paragraph.
- c. Mental Injury: Injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior, with due regard to the child's culture. Mental injury does not include reasonable training or discipline administered by the person responsible for the child's care, or the reasonable exercise of authority by that person.

#### **2. Neglect**

Child neglect is the failure by parents or caretakers to provide a child with necessary food, adequate shelter, clothing, supervision or medical care and to ensure that the child is educated according to Minnesota laws.

Neglect may also occur when the person responsible for the care of the child fails to protect the child from conditions or actions that imminently and seriously endanger the child's physical or mental health, when reasonably able to do so. Child neglect differs from child abuse though its results may be similar. Both may cause physical injuries, emotional harm and even death. But neglect is what a parent or other caretaker does not do rather than what he or she does.

### **Reporting**

All SEMCIL employees who know or have reason to believe a child is being abused or neglected or has been abused or neglected within the preceding three (3) years must report the information to the County Common Entry Point within 24 hours. If the child is in immediate danger, contact 911 immediately. The oral report must be followed up by a written report within seventy-two (72) hours of the oral report, excluding weekends and holidays.

Employees must also notify SEMCIL that a report has been made and give a copy of the written report of child abuse and neglect to SEMCIL.

**Southeastern Minnesota Center for Independent Living, Inc. (SEMCIL)**

**Child Abuse and Neglect Reporting Form**

Written report must be made within 72 hours of the oral report, excluding weekends & holidays.

Name of Child:	
Child's address & phone # (If available):	
Disability (If any) of Child:	
Time/Date/Location of incident:	
Description of abuse or neglect: Report what was seen and/or heard, severity, frequency, etc.:	
Alleged perpetrator name, address & phone # (If available):	
Relationship of alleged perpetrator to Child:	
Witness information: (If any)	
Date/Time of call to Common Entry Point (CEP):	Law Enforcement notified? <input type="checkbox"/> Yes <input type="checkbox"/> No
County:	
Name & phone number of person taking call for CEP:	
Was the request to receive a copy of the findings from CEP made? (This request should always be made)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the supervisor been informed of the report? (If no, ensure supervisor is informed within 24 hours of reporting)	<input type="checkbox"/> Yes <input type="checkbox"/> No

---

Printed name of person completing/calling in report                      Time                      Date

---

Signature of person completing report                      Title                      Date

**COMMON ENTRY POINTS BY COUNTY**

**DODGE**

Intake  
507-635-6170

**FILLMORE**

Intake  
507-765-2175

**FREEBORN**

Intake  
507-377-5467

**GOODHUE**

Intake  
507-385-3232

**OLMSTED**

Intake  
507-328-6400  
507-281-6248 weekends/holidays

**RICE**

Intake  
507-333-3773

**STEELE**

Intake  
507-445-7500

**WABASHA**

Intake  
651-565-3351

**WINONA**

Intake  
507-457-6200

**HOUSTON**

Intake  
507-725-5811

**MOWER**

Intake  
507-437-9732

**WASECA**

Intake  
507-835-0560

## **B.6 DRUG AND ALCOHOL FREE WORKPLACE POLICY**

SEMCIL will maintain a workplace that is safe and free of drug and alcohol use or abuse.

### **A. Drug and Alcohol Use/Abuse**

SEMCIL employees are prohibited from being under the influence of a controlled substance and/or alcohol while working. Abusing prescription medication while on duty or on agency premises is prohibited. The possession, manufacture and/or distribution of any illegal drug, controlled substance and/or alcohol while on company property or while working in the residences of or in the community with PCA recipients is strictly prohibited.

Situations involving suspected use or abuse of drugs and/or alcohol are to be reported to SEMCIL. Violations of this policy will lead to disciplinary action, up to and including termination of employment. Further, employees who demonstrate a diminished capacity to perform their job duties because of routine use or abuse of drugs, alcohol or prescription medication off the job, may also face disciplinary action, up to and including termination of employment.

Any employee charged with or convicted of a chemical or drug related crime must notify their QP or PCA Program, in writing, within 24 hours after being charged/convicted. A charge, conviction, or failure to notify SEMCIL in writing of a chemical or drug related crime within 24 hours may result in disciplinary action, up to and including termination.

## **B.7 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

SEMCIL shall provide equal employment opportunity for all persons regardless of race, color, religion, national origin, disability, sex, age, marital status, political affiliation, familial status, sexual orientation, gender identity or status with regard to public assistance.

Affirmative action applies to all aspects of employment practices including, but not limited to, recruiting, hiring, placement, promotion, demotion, transfer, training, compensation, benefits, layoff, recall and termination. SEMCIL seeks to do business with organizations that encourage equal employment opportunity.

## **B.8 GIFTS-GRATUITIES**

SEMCIL employees shall provide courteous and efficient service to PCA recipients without the expectation of gifts or gratuities and shall not accept gifts or gratuities of any kind in any form. A courteous and firm refusal should be conveyed to the giver as well as the statement that we are happy to be of service.

*Exception: SEMCIL recognizes that some PCA Choice employees may be immediate family members of the PCA recipient and understands the exchanging of gifts to be acceptable.*

## **B.9 PERSONAL APPEARANCE**

SEMCIL takes pride in our employees. Physical appearance, dress and conduct influence the image of the agency.

Employees shall dress appropriately for their job. Clothing worn to work must be clean, free of odor, inappropriate print, rips, tears, holes, frays and stains. Employees may be required to wear safety equipment or clothing. Examples of clothing or work attire not appropriate include flip-flops or open-toed shoes, shoes with poor soles or grip, shorts (except during summer months and when appropriate for

services provided), clothing with inappropriate messages or slogans, etc. Any questions about appropriate work attire should be directed to the QP or the PCA Program Manager.

Failure to maintain personal hygiene, dress appropriately or safely may result in corrective action.

#### **B.10 POLITICAL ACTIVITY**

Employees of SEMCIL may seek political office, may participate in political campaigns, and may comment as a private citizen on any public issue so long as these activities are not detrimental to the interests of SEMCIL. However, employees of SEMCIL shall not actively campaign for, solicit, nor receive funds for a political candidate or political cause during working hours.

Employees of SEMCIL shall not use their authority or official influence to compel others to campaign for, solicit, or receive funds for any political candidate or political cause, nor to become a member of any political organization.

#### **B.11 WORK ENVIRONMENT**

SEMCIL values an atmosphere that maintains a healthy balance between workplace obligations and parental responsibilities. The presence of children in the workplace is inappropriate and strictly prohibited. Each employee should be considerate of his/her PCA recipients, and co-workers and ensure proper childcare arrangements are made, to include alternate arrangements in case the primary arrangements are cancelled at the last minute.

## **SECTION C: Records Management, HIPAA, Data Security & Social Media**

### **C.1 Employee and PCA Recipient Records Policy, Access & Management**

SEMCIL will follow legal requirements and sound management practices with regard to all employee and PCA Recipient records. SEMCIL maintains various records that are important to the operation of the business including but not limited to PCA recipient records and employment records.

During employment, employees will obtain knowledge and possession of certain records, information and “business property”. All records, information and “business property” obtained during employment at SEMCIL shall remain the sole title, property and possession of SEMCIL. This information shall not be communicated with any person or entity, copied, transferred or removed from SEMCIL property without the expressed written consent of the Executive Director. Violation may result in disciplinary action, up to and including termination.

#### **A. PCA RECIPIENT RECORDS AND INFORMATION**

During employment, employees will obtain knowledge and possession of certain records and information relating to the recipient(s), which is not subject to general knowledge, but is obtained in a confidential relationship with the PCA recipient. This information shall remain confidential in accordance with Minnesota State Privacy Statute.

#### **B. DSP Employee Personnel Records**

SEMCIL will maintain a permanent personnel file for each employee. The file is considered confidential. All employee files are stored in the SEMCIL Rochester office. Access to an employee’s personnel file is limited to the employee, employee’s manager/supervisor, Program Manager, Executive Director, Human Resources staff and authorized county, state or federal authorities.

The employee personnel file shall contain those documents required by law or the agencies, including but not limited to:

- Employment application
- Resume
- Employee Information Form
- Copies of transcripts, licenses, or certifications
- Job offer letter/acceptance notice of employment
- I-9, W-4, direct deposit or other applicable payroll related forms
- Performance Appraisals
- Job Description
- Confidentiality Agreement
- Employee Policy Handbook or other policy acknowledgement
- Training certification and acknowledgement
- Benefit related forms

#### **Review of Personnel Records**

Access to and review of an employee’s personnel file will be granted to the employee, employee’s manager/supervisor, Program Manager, Executive Director, Human Resources staff and authorized county, state or federal authorities under the following conditions:

- Upon written request from the employee, per Minnesota State Statute, review will take place in the presence of one of the named personnel, preferably Human Resources or the Executive Director.

- Upon request of authorized personnel other than the employee, the file may be reviewed in the SEMCIL office unless checked out to an authorized individual. If a file is checked out, it must be returned to the Human Resources office immediately after review.
- Representatives of government or law enforcement agencies, in the course of their business, may be allowed access to file information. The Executive Director or Human Resources will make this decision in response to the request, a legal subpoena, or court order.
- Personnel file access by current employees may be done during normal business hours. Such access may be limited to no more than once every six (6) months.
- Personnel file access by former employees will be permitted within seven (7) business days of receipt of written request. Such access will be allowed once each year for as long as the personnel record is maintained.
- An employee may file a written statement to accompany any material in his/her personnel file with which they disagree.

Employees are responsible for notifying their manager/supervisor of any change in address, name, phone number and/or a person to be contacted in case of emergency. Employees who feel they have been subjected to retaliation or adverse action for asserting rights under this provision have a legal right to pursue a civil action for violations of these rights; however, we believe that these issues can be better and more promptly addressed through internal reporting to the Human Resources Department.

## **C.2 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

HIPAA is a federal law that protects the confidentiality and security of health records through certain standards or values. The law is about: **what** information is considered confidential, how employees may **use** PCA recipient information, **with whom** employees may share PCA recipient information, and **how much** information employees are allowed to look at and share.

All employees will acquire confidential information through the course of employment with SEMCIL relating to the organizations' business and PCA recipients. For purposes of this policy, "Confidential Information" shall include, but is not limited to: recipient's names, protected health information (PHI), services provided, and information about SEMCIL employees. Any PHI you see, hear, or read through the course of your job is considered private and confidential. Confidential information may be contained in any form whatsoever, whether written, electronic, or verbally communicated.

Employees of SEMCIL must maintain the privacy and confidentiality of all PCA recipient information (including patient health information) gained in the course of carrying out their work. Employees are ethically bound to keep information private and confidential, even after they are no longer employed by SEMCIL.

As an employee of SEMCIL, confidential information is to only be shared with the agency staff (i.e. PCA Program Manager and/or QP, Executive Director and Schedulers) as needed and as appropriate. If an employee has reason to believe that there has been a breach of confidentiality, he/she should immediately notify SEMCIL. Violations of HIPAA may result in disciplinary action, up to and including termination.



### **C.3 DATA SECURITY**

SEMCIL maintains electronic systems and equipment to enable the agency to conduct business in efficient and effective manner. All systems and equipment, including computers, telephones, fax machines, copy machines, voice mail and email is provided for employees to conduct business and is the property of SEMCIL.

Employees should use good business judgment in determining the appropriate use of data security systems and equipment. Electronic communications may not be used for personal use or to create or distribute offensive messages, which may contain sexual implications, racial or ethnic slurs, gender specific comments or other comments that offensively address age, sexual orientation, religious or political beliefs, national origin or disability.

### **C.4 SOCIAL MEDIA**

Employees are not allowed to access social media/networking sites during work time including but not limited to: Facebook, My Space, Twitter, Blink, Snapchat, You Tube, Instagram, or blog sites.

SEMCIL recognizes that employees may engage in social networking and/or social media activities outside of work hours. However, employees should not expect privacy when posting information to online websites and are expected to adhere to the following guidelines for appropriate use of social media:

1. Employees must respect the PCA Recipient's right to privacy and confidentiality and may not post confidential information of any kind about the PCA recipient.
2. Employees are prohibited from posting photographs or recordings of PCA recipients UNLESS the PCA Recipient is a family member and the photos are related to the family.
3. You are personally responsible for the information you post on any social media site or blog. If you choose to indicate that SEMCIL is your employer, you must inform the audience that your views are your own and do not represent the views and opinions of SEMCIL.
4. Employees are expected to exercise good judgment in maintaining professional boundaries with their coworkers, parents/guardians, and/or PCA recipients on social networking sites.
5. Employees may not post inappropriate or harassing statements directed toward a coworker, PCA recipient or responsible party.

Unacceptable behavior on social networking or social media websites could result in disciplinary action up to and including termination of employment.

## **SECTION D: GENERAL WORK POLICIES**

### **D.1 APPLICATION FOR EMPLOYMENT**

Each prospective employee shall submit a written application for employment. Applications are available on the SEMCIL website at [www.semcil.org](http://www.semcil.org) or in the SEMCIL office. Employment applications shall be kept on file for a period of one (1) year.

### **D.2 MN DEPARTMENT OF HUMAN SERVICES (DHS) BACKGROUND STUDY**

All SEMCIL employees providing direct services must complete a criminal background study form and successfully pass a background study. The Minnesota Department of Human Services (DHS) will communicate the results of the background study to the employee via US mail and SEMCIL via NETStudy 2.0. Employees will NOT be allowed to begin working until they have successfully passed the background study.

### **D.3 TRIAL WORK PERIOD AND PERFORMANCE APPRAISALS**

Each new employee shall be required to complete a trial work period of ninety (90) days. During this period, general aptitude and job performance will be evaluated. If at any time during the orientation period the employee's performance is not satisfactory, the employee may be terminated.

The PCA Recipient and Qualified Professional are responsible for the performance appraisal process and completion of documentation for each employee. Employees will receive an evaluation at the completion of their ninety (90) day orientation period, as well as, at six (6) months and an annual evaluation according to their anniversary month of hire. These evaluations will be mailed to the employee's documented address. All employees are to review the evaluation, sign and date the form and return it to SEMCIL.

Employees that may have areas of concern, i.e. attendance, performance, etc., will receive a face-to-face performance appraisal to ensure that these areas of improvement are addressed.

### **D.4 ORIENTATION and TRAINING**

PCA Traditional Program: The PCA Program Manager and Qualified Professional will provide onboarding to new DSPs in the PCA Traditional Program, covering all aspects of the job and new hire documentation. The rate of pay for new PCA Traditional DSP employee orientation is \$9.86 per hour.

PCA Choice Program: New DSPs in the PCA Choice Program will complete the new hire documents as found in the PCA Choice Employee packet. Training to specific job tasks will be completed by the PCA Recipient and the Qualified Professional as requested.

#### **MN Department of Human Services training requirements for ALL DSPs:**

The Minnesota Department of Human Services (DHS) requires that ALL Direct Support Professionals complete and successfully pass standardized training prior to enrolling as an individual PCA provider with MN Health Care Programs and beginning work as a SEMCIL DSP. A score of 80 percent or better is a passing score. Training is available on line 24 hours a day and is free.

The training includes these 9 modules:

Module 1: Overview of the Personal Care Assistant (PCA) program and people

Module 2: Emergencies: Be prepared!

Module 3: Infection control and standard precautions

Module 4: Body mechanics

Module 5: Understanding behaviors

Module 6: Professional boundaries, child and vulnerable adult maltreatment

Module 7: Time cards and documentation

Module 8: Fraud

Module 9: Stress, personal self-care and support for the PCA role

You may view the modules in any order and do not have to complete the training in one sitting. Once you have successfully passed the test, you must print the certificate of completion and submit it to SEMCIL, along with the new hire paperwork. You will not be able to begin working without a copy of this certificate.

The website for you to register and complete this mandated training is

<http://registrations.dhs.state.mn.us>. Click on Individualized Personal Care Assistance Training to register and complete training.

As a courtesy, SEMCIL will make a computer and internet access available for individuals to use if they choose to complete the mandated training in our Rochester office. Individuals will not be compensated for their time completing this mandated training, regardless if it occurs at the SEMCIL office or in another location.

Additional training may be deemed necessary by the supervisor or QP as determined by the PCA recipients care plan needs. When DSPs require one to one training by a current employee or QP in the home, the DSP will be compensated at the applicable training rate; \$9.86 per hour for PCA Traditional DSPs and \$13.25 per hour for PCA Choice DSPs. The training must be prior approved by SEMCIL PCA Program staff. This time will be recorded on a miscellaneous wage and training sheet by the QP, PCA Program Coordinator or PCA Program Manager.

#### **D.5 245D TRAINING**

245D licensing requirements state that DSPs providing services under 245D must complete at least nine (9) hours of training within 60 days of start of employment and at least 12 hours of training annually.

This training is to be completed through the College of Direct Supports (CDS) and the Department of Human Services (DHS) websites. The required training modules at hire and how to access and complete the modules will be included in your new hire packet. DSPs will be notified by email and by phone when the annual requirements are due and instructions will be given for how to access and complete the required trainings. The PCA Program Coordinator manages the 245D training requirements for SEMCIL.

#### **D.6 DISCIPLINARY/CORRECTIVE ACTION, TERMINATION AND MISCONDUCT**

SEMCIL employees are expected to maintain a satisfactory level of performance and conduct themselves appropriately. In the event an employee violates a condition of employment or fails to meet required performance or behavior standards, disciplinary/corrective action may be taken. The QP will investigate reports that may require disciplinary/corrective action in a prompt manner and appropriate disciplinary/corrective action will be taken. Any written disciplinary/corrective action will be provided to the employee for review and signature, whether that is provided in person or via mail.

Disciplinary/Corrective action may include, but not limited to, a verbal or written warning, suspension or termination, at the discretion of SEMCIL. No employee is guaranteed a verbal or written warning or suspension prior to termination. Documentation of all disciplinary/corrective action becomes a permanent part of the employee's personnel file.

Misconduct may include, but not limited to, no call/no shows, tardiness, failure to follow the established plan of care, personal cell phone use, unsatisfactory work performance, harassment, and failure to follow the documentation requirements (Dial-n-Document, timesheets, etc.).

If an employee's termination of employment is involuntary, a final paycheck will be issued within 24 hours, provided that all documentation and/or timesheets have been submitted and all company property has been returned.

If termination of employment is voluntary, the final paycheck will be issued on the next scheduled pay date, provided that all documentation and/or timesheets have been submitted and all company property has been returned.

#### **D.7 ATTENDANCE**

SEMCIL and PCA recipients expect all employees to be prompt and reliable in their work and attendance. Employees are required to report to their scheduled visit(s) on time and remain with the PCA recipient until their visit has ended.

DSPs in the Traditional PCA Program who cannot work their regularly scheduled hours must give at least eight (8) hours' notice to the Schedulers and call the Schedulers during normal business hours. After business hours, employees are first to notify the person they were to work with, then call the on-call phone number to report the absence, as well as contact a Scheduler during business hours the next business day. A reason for the absence must be provided. In some cases, a doctor's statement may be requested. Employees who fail to give proper notice of an absence, or who fail to report to work as scheduled will be subject to disciplinary action, up to and including termination.

DSPs in the PCA Choice Program must also give the PCA recipient or their responsible party adequate notice when unable to work scheduled hours.

#### **Absent**

An employee is considered absent when he/she is unavailable for work as scheduled. Not reporting to work and not calling to report the absence is considered a no call/no show. An employee who fails to call in and report to work as scheduled will be viewed as leaving a vulnerable individual without services thus jeopardizing the health and safety of that individual. Additionally, a no call/no show will be considered as abandonment of the job. No call/no show is grounds for immediate termination.

#### **Tardy**

An employee is considered tardy when he/she:

- Fails to report for work at the assigned/scheduled work time.
- Leaves work prior to the end of assigned/scheduled work time without prior supervisory approval.
- Arrives to work past his/her scheduled start time.

All employees who are going to be late for a scheduled visit must first notify the PCA Recipient. DSPs in the Traditional PCA Program must also call the Scheduler. Repeated failure to provide notification will be subject to disciplinary action, up to and including termination.

#### **D.8 DISCRIMINATION, HARASSMENT, VIOLENCE, BULLYING**

SEMCIL strives to provide a workplace environment that is productive, safe, respectful and fulfilling for all employees, the people we serve and persons who may enter its premises. Accordingly, discrimination, inappropriate harassment, violence, threats, or bullying by or against any of its employees, regardless of

their position in the agency, is strictly forbidden. This policy further defines different types of inappropriate conduct and provides procedures for addressing and reporting such conduct with the aim of preventing it from ever occurring or, in the event of a violation, to eliminate the problem. Violations of these policies are subject to disciplinary action up to and including immediate discharge.

#### Discrimination Prohibited

Discrimination in employment with SEMCIL in violation of the agency's Equal Employment Opportunity Policy is strictly prohibited. This prohibited discrimination may include, but is not necessarily limited to, basing any decision concerning employment, hiring, training, promotions, discipline, wages, benefits or other terms and conditions of employment on any of the prohibited factors. No one, regardless of his/her position in the agency, is authorized to make or effect such prohibited decisions.

#### Harassment Prohibited

SEMCIL prohibits harassment in the workplace by or against any of its employees and encourages all employees to conduct themselves appropriately within their role in the agency. Prohibited harassment can take many forms, including sexual harassment, racial harassment or harassment based upon a person's age, disability, color, national origin, creed or religion, marital status, familial status, sexual orientation or his/her status in any other group protected by federal, state or local law. Harassment can occur between employees, male or female, managers or supervisors. Harassment may also involve non-employees, e.g. vendors, or customers and may in some circumstances apply to conduct outside the workplace, as well as it does within the workplace.

The following examples of prohibited harassment are for illustrative purposes only and are not meant in any way to limit the types of harassment that may be found inappropriate for our workplace:

- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Remarks, jokes, display of sexually suggestive objects, materials or pictures, gestures, and the like.
- Unwelcome or offensive remarks, jokes, objects, materials, pictures or gestures relating to natural origin, race or the color of any person's skin, hair, eyes, disparaging a person's national origin, making racial epithets, name-calling, ethnic slurs or graffiti.
- Unwelcome or offensive remarks, jokes, objects, materials, pictures or gestures relating to age or a disability or perceived disability; for example, derogatory remarks about a person's disabling condition, teasing or taunting.
- Other forms of prohibited harassment including harassment on the basis of or relating to anyone's religion, marital status, veteran status or military service, sexual preference, privacy, or status in any group protected by federal, state or local law that interferes with another person's work performance or creates an intimidating, hostile or offensive work environment.

#### Violence/Threats/Bullying Prohibited

SEMCIL prohibits acts of violence, threats of violence, intimidation, or bullying in the workplace by or against any of its employees. Unlike violence or overt threats, bullying may be subtler and can take many forms. Bullying may include but may not be limited to: physical or verbal abuse; implicit or subtle threatening gestures or comments; exclusion or social isolation; consistently ridiculing, belittling, or interrupting; excessive and unreasonable monitoring or micro-managing; invading someone's personal space; or other inappropriate behavior that materially interferes with a reasonable individual's ability to do his or her job. Bullying may also overlap with other conduct prohibited by company policy (e.g. discrimination and/or harassment) though it need not be based on any status protected by federal, state,

or local law. Conduct prohibited under this policy may also involve non-employees such as vendors, or customers and may in some circumstances apply to conduct outside the workplace.

#### Reporting Discrimination, Harassment, Violence, Threats, Bullying

Anyone who believes in good faith that they have been discriminated against, harassed, experienced violence, or been threatened or bullied, or who has witnessed any such conduct, is encouraged to try first to address the matter directly with the offending party or parties by invoking this policy and telling them to stop the inappropriate behavior. Where it is not practical under the circumstances to address a complaint directly to the offending party or parties – for example, where safety is a concern or doing so would likely be futile – the matter should be reported pursuant to the following “open door” policy, by following these simple steps:

1. Report any good faith belief that this policy has been violated or is being violated, or any work-related problems, as soon as possible. A person need not be the subject of discrimination, harassment, bullying, violence, or other work-related problems to report such problems. Any employee who is subjected to or has witnessed another person being harassed, bullied, or discriminated against should report it immediately.
2. Complaints or reports under this policy may be brought to the attention of any one, or all, of the following persons, in no particular order:
  - a. Your Qualified Professional, the PCA Program Manager or Executive Director.

#### Response to Complaints, Consequences and Prohibition on Retaliation.

Reports made under this policy will be promptly investigated in accordance with the nature of the matter involved. Reasonable efforts will be made to treat information disclosed in the course of an investigation as confidential. The facts of each case will determine the investigative and responsive measures taken. If we determine that our policies or rules of conduct have been violated, we will take appropriate corrective measures based upon the specific facts and conclusions of each particular investigation. Appropriate corrective measures may include disciplinary action up to and including discharge of the offending individual(s). In all instances our objective will be to end behavior deemed inappropriate or to violate our policies.

SEMCIL will not tolerate any act of reprisal or retaliation against anyone who reports, opposes or complains of any violation or suspected violation of these policies, or against anyone who assists with or cooperates in SEMCIL’s investigation of such reports or complaints. Complaints or reports of reprisal or retaliation should be brought under the same reporting procedures outlined above.

#### **D.9 SMOKE FREE WORKPLACE**

SEMCIL has a vital interest in maintaining a healthy and safe environment for its employees, PCA recipients, vendors, community partners, and visitors while respecting individual choice. Consistent with these concerns and with the Olmsted County Smoke-Free Workplace Ordinance (Resolution No. 07-150) and the Minnesota Clean Indoor Air Act, the following policy has been established to restrict smoking in most areas, and to provide procedures for accommodating the preference of both smokers and nonsmokers.

#### Policy

Employees are not allowed to use tobacco products while in the residence or on the property of a PCA recipient. Smoking is not permitted in any indoor work area or outdoors within fifteen (15) feet of any entrance, open window, or ventilation intakes of the workplace. Indoor work areas include hallways,

conference rooms, the break room, restrooms, private and non-private offices, PCA recipient residences, and any recipient's vehicle.

Employees providing service in the residence of a PCA recipient who use tobacco products should request that the recipient cease the use of these products while services are being provided. If the recipient refuses to cease the use of these tobacco products, the employee will have the option of being issued a mask to use while in the PCA recipient's residence. Additional masks can be purchased from SEMCIL for a nominal fee. The agencies may also explore the feasibility of the discharge of that PCA recipient if the smoking is to such a degree that no staff will consent to work in the home.

In the Rochester office, smoking is permitted in the area located outside the south exit of the building in the marked area. This area is not within fifteen (15) feet of any entrance, open window, or ventilation intakes of the workplace. Branch offices (Winona) must follow the guidelines set forth by building management/ownership of the respective branch office. Regardless of the office location, smoking will not be permitted in any indoor work area.

### Compliance

Cooperation between smokers and nonsmokers is necessary to assure the successful implementation of this policy. All employees are expected to comply with this policy at all times. Individuals violating this policy may be subject to disciplinary action, up to and including termination.

### **D.10 SOLICITATION ON PREMISES**

No solicitation of any kind shall be allowed on SEMCIL property or in a PCA recipient's home without prior approval by the Executive Director.

### **D.11 GRIEVANCES**

The purpose of this policy is to ensure that individuals served by the SEMCIL Personal Care Assistant (PCA) program have respectful, appropriate and responsive services and likewise, to ensure that SEMCIL PCA Program employees have respectful and safe work environments. This policy provides a framework for the quick and effective resolutions of difficulties that may arise in the workplace, gives all parties the opportunity to express their views and ensures that grievances are handled in a fair and consistent manner.

The grievance policy is not a substitute for good day-to-day communication where PCA Recipients and DSPs alike are encouraged to discuss and resolve daily working issues. Many problems can be resolved informally with open communication.

### **Procedures**

#### A. Policy Initiation

1. PCA Recipients or their Responsible Party will receive this policy at time of admission or no later than five (5) days from admission.
2. SEMCIL employees working as Direct Support Professionals and/or Homemakers will receive this policy at the time of orientation and/or at the time they enter in to a *Southeastern Minnesota Center for Independent Living, Inc. (SEMCIL) PCA Choice Program PCA Recipient and Direct Support Professional (DSP) Role and Responsibilities MEMORANDUM OF AGREEMENT*.

#### B. Initial Step in grievance process and resolution

1. SEMCIL believes that it is in the best interest of employees, PCA Recipients, and management to have an environment where concerns are openly discussed. For this reason, the DSP is

encouraged to first bring all work related issues to their PCA Recipient. PCA Recipients are encouraged to address issues directly with their DSP.

2. If the DSP and PCA Recipient and or Responsible party are unable to resolve the issue, they are to bring the issue to the attention of their Qualified Professional (QP). The PCA recipient, Responsible Party or Employee should document the issue, event, incident or action by putting the details in writing and follow the steps as outlined below.

C. How to File a Grievance with SEMCIL

1. If talking it over with the PCA Recipient, DSP and/or Responsibility Party doesn't yield a solution, you may file a formal grievance with SEMCIL's PCA Program. Before proceeding, be sure you have all the information about the grievance in writing. Clearly inform SEMCIL staff that you are filing a formal grievance and not just an informal complaint. You may request SEMCIL staff assistance in filing a grievance.
  - a. Contact your Qualified Professional within five (5) days of the alleged event, action or issue to schedule a meeting. Ideally, the grievance should be discussed in a face-to-face meeting. If that is not practical, phone or email communication will suffice. The PCA Recipient or DSP should provide written documentation outlining the nature of the grievance, parties involved, and the date of the incident and any efforts to resolve the matter to date.
  - b. If the QP cannot resolve the issue, the issue may be brought to the PCA Program Manager.
2. If the PCA Recipient, their Responsible Party or the DSP do not believe that their grievance has been resolved they may bring the complaint to the highest level of authority in this program.
  - a. That person is Jacob Schuller, SEMCIL Executive Director. He may be reached at 2200 2<sup>nd</sup> ST SW, Rochester, MN 55902, jacobs@semcil.org, 507-285-3912.

D. Response by the Program

1. Upon request, SEMCIL staff will provide assistance with the complaint process to the DSP, PCA Recipient and/or their Responsible Party. This assistance will include:
  - a. the name, address, and telephone number of outside agencies to assist the person; and
  - b. responding to the complaint in such a manner that the PCA Recipient, their Responsible Party, or DSP concerns are resolved.
2. The SEMCIL PCA Program will respond promptly to grievances that affect the health and safety of PCA Recipients.
3. All other complaints will be responded to within 14 calendar days of the receipt of the complaint.
4. All complaints will be resolved within 30 calendar days of the receipt.
5. If the complaint is not resolved within 30 calendar days, this program will document the reason for the delay and a plan for resolution.
6. Once a complaint is received, the SEMCIL PCA program is required to complete a complaint review. The complaint review will include an evaluation of whether:
  - a. related policy and procedures were followed;
  - b. related policy and procedures were adequate;
  - c. there is a need for additional staff training;
  - d. the complaint is similar to past complaints with the persons, staff, or services involved; and
  - e. there is a need for corrective action to protect the health and safety of the recipient.
7. Based on this review, and as necessary, the SEMCIL PCA Program will develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by DSPs or the SEMCIL PCA Program.
8. The SEMCIL PCA program will document the nature of the grievance, staff evaluator and results of the complaint review and resolution in the SEMCIL PCA Program Grievance Log. SEMCIL will



also provide a written summary of the complaint and a notice of the complaint resolution to the DSP, PCA Recipient or Responsible Party that:

- a. identifies the nature of the complaint and the date it was received;
- b. includes the results of the complaint review; and
- c. identifies the complaint resolution.

E. The complaint summary and resolution notice must be maintained in the PCA Recipient and DSP employee record.

#### **D.12 RESIGNATION**

SEMCIL requests that all DSPs resigning their position do so in writing to SEMCIL and give at least a two-week notice. DSPs in the PCA Choice Program are to also notify their PCA Recipients.

A resigning employee will receive their final paycheck on the next regularly scheduled pay date.

#### **D.13 MEDIA REQUESTS FOR INFORMATION**

Requests for information by the media shall be immediately directed to, and handled only by, the Executive Director.

#### **D.14 TRANSPORTATION OF PCA RECIPIENTS BY EMPLOYEES**

The Minnesota Department of Human Services does not allow for transportation of PCA Recipients by Direct Supports Professionals as a covered service. Therefore, DSPs may not record time worked to transport any PCA Recipient. SEMCIL will not pay DSPs for drive time or mileage when transporting a PCA Recipient at any time.

DSPs may record time worked to accompany the PCA Recipient to the destination where the DSP will assist the recipient in the community so long as the DSP is not the person driving and the activity is included in the Recipient's plan of care.

#### **D. 15 FRAUD, WASTE AND ABUSE**

##### **PURPOSE**

SEMCIL is committed to preventing health care fraud and abuse. Under the Deficit Reduction Act, SEMCIL is required by law to establish certain policies and inform employees about the federal False Claims Act and similar state laws, an employee's right to be protected as a whistleblower, and the prevention of fraud, waste, and abuse in state and federal health care programs. This document sets forth our policies and contains information required by law under the Deficit Reduction Act.

Contractors, subcontractors, agents, and other persons who, on behalf of SEMCIL, furnish or otherwise authorize the furnishing of Medicaid health care items or services, perform billing or coding functions, or are involved in monitoring of health care provided by SEMCIL, are required to adopt these policies to continue to do business with the agency. No employee of SEMCIL has the authority to direct, participate in, approve, or tolerate any violation of any of the laws described in this Policy.

## **RELEVANT LAWS**

### **False Claims Acts (FCA)**

The purpose of the federal and state False Claims Acts is to combat fraud and abuse with regard to federal and state health care programs. The False Claims Acts prohibits any individual or company from knowingly submitting false or fraudulent claims, causing such claims to be submitted, making a false record or statement in order to secure payment from the federal government for such a claim, or conspiring to get such a claim allowed or paid. Under the statute, the terms "knowing" and "knowingly" mean that a person (1) has actual knowledge of the information, (2) acts in deliberate ignorance of the truth or inaccuracy of the information, or (3) acts in reckless disregard of the truth or falsity of the information.

The False Claims Acts make it possible for the federal and state governments to bring legal action against health care providers who submit false claims. The False Claims Acts also permit lawsuits brought by individuals. Under the Act, civil action must be brought within six years of a violation, or, if brought by the government, within three years of the date when material facts are known or should have been known to the government, but in no event more than ten years after the date on which the violation was committed.

### **Penalties**

Under the False Claims Acts, any individual or organization that knowingly submits a false or fraudulent claim for payment for services (i.e. health care services) pursuant to health care program funded by the federal government, i.e. Medicare, state government, i.e. Medicaid, or a political subdivision may be liable for significant fines and penalties. Under the statute, the federal government, state government, or political subdivision can assess a fine between \$5,500 and \$11,000 **per claim plus** up to three times the total amount of damage sustained by the government depending on the circumstances.

### **Qui Tam and Whistleblower Protection Provisions**

The FCA authorizes private citizens to file a lawsuit in the name of the United States in a lawsuit commonly known as a *qui tam* action, but the United States Supreme Court has held that the statute does not authorize individuals to sue states in a federal *qui tam* action. A *qui tam* lawsuit brought under the FCA by a private citizen commences upon the filing of a civil complaint in federal court, under seal, and service of a disclosure of material evidence on the Attorney General. The government has sixty days to investigate the allegations in the complaint and decide whether it will join the action, in which case the complaint is unsealed, and the Department of Justice or a United States Attorney's Office takes the lead role in prosecuting the claim. If the government decides not to join, the whistleblower may pursue the action alone, but the government may still join at a later date if it demonstrates good cause for doing so. As an incentive to bring these cases, the Act provides that whistleblowers who file a *qui tam* action may receive a reward of 15-30% of the monies recovered for the government plus attorneys' fees and costs. This award may be reduced if, for example, the court finds the whistleblower planned and initiated the violation.

Whistleblowers are also offered certain protections against retaliation for bringing an action under the Act. Employees who are discharged, demoted, harassed, or otherwise confront discrimination as a consequence of the whistleblowing activity are entitled to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages including litigation costs and reasonable attorneys' fees.

### **Fraud Civil Remedies Act**

The Fraud Civil Remedies Act of 1986 is a statute that establishes an administrative remedy against any person who presents or causes to be presented a claim or written statement that the person knows or has reason to know is false, fictitious, or fraudulent due to an assertion or omission to certain federal agencies, including the Department of Health and Human Services. The term "claim" includes any request or demand for property or money, e.g., grants, loans, insurance or benefits, when the United States Government provides or will reimburse any portion of the money.

### **Detecting, Reporting AND Preventing Fraud, Waste and Abuse**

SEMCIL is responsible for the proactive prevention of fraud and abuse through education and training of its staff. Similarly, SEMCIL staff has a responsibility to report concerns about actual or potential wrongdoing and are not permitted to overlook such actual or potential wrongdoing.

### **Reporting of Compliance Concerns**

Any employee, contractor, subcontractor, or agent who knows or reasonably believes that SEMCIL or any member of its staff may be involved in any activity prohibited by the FCA, or other fraud and abuse laws, is required to immediately report such belief to the Executive Director.

Examples of a possible improper claim include:

- Making false statements regarding a claim for payment,
- Falsifying information in the medical record,
- Double-billing for items or services, or
- Billing for services or items not performed or never furnished.

### **Non-Retaliation**

SEMCIL will not tolerate any intimidating or retaliatory act against an individual who, in good faith, makes a report of practices reasonably believed to be a violation of this Policy.

### **Compliance**

SEMCIL has established internal systems and controls to monitor its coding and billing practices on an ongoing basis to ensure compliance with the FCA and applicable State laws (see Finance Department Internal Control Procedures). All employees are provided education regarding fraud, waste and abuse upon hire and any time deemed necessary thereafter.

## **SECTION E: PAYROLL & EMPLOYEE BENEFITS**

### **E.1 PAYROLL, HOURS OF WORK and DOCUMENTATION PROTOCOL**

#### **Payroll**

The regular workweek is Wednesday through Tuesday. The pay period is bi-weekly with payday every other Wednesday. If the payday falls on a holiday observed by SEMCIL, paychecks will be issued on the business day before the holiday. Timesheets are due by 3:00 p.m. each Friday. SEMCIL is not responsible for timesheets that are not delivered on time or are lost in the mail. All timesheets turned in late will be processed during the next payroll.

SEMCIL considers payroll data to be confidential and encourages employees not to disclose or discuss their own wages or another employee's wages which have been disclosed voluntarily. However, no adverse employment action will be taken against an employee for disclosing or discussing their own wages or another employee's wages, when that information was disclosed voluntarily by the employee.

#### **Hours of Work**

Employees are required to report to their scheduled visit(s) on time, provide services that support the health and safety of the recipient, follow the Recipient's care plan as written, and remain with the PCA recipient until the visit is finished. Employees are allowed to provide direct contact service(s) only when the PCA recipient is present at the designated service location (their home, apartment, etc.).

Employees may work up to a maximum of 16 hours a day; this is for the health and safety of the employee as well as the PCA recipient. Employees are only paid for the time services are being provided. Compensation for "sleep time" is not allowed.

#### **Documentation Protocol**

Employees of SEMCIL are accountable for the accuracy and timely submission of their time worked through the agency's documentation methods. Employees who continuously fail to follow this protocol and have an extensive history of inaccurate, incomplete or late submission of documentation may be subject to disciplinary action.

**It is a federal crime to provide false information on PCA billings for Medical Assistance payment. Submitting the documentation verifies the time and services identified are accurate and that the services were performed as specified in the PCA Care Plan.**

Guidelines for acceptable documentation:

- Document the start and end time of a visit as well as the care provided from the PCA recipient's home using DnD Time and Attendance telephony, or
- Submit complete, accurate and signed OMR forms or weekly timesheets that are free from damage, by the deadline outlined on the SEMCIL Payroll Schedule. Timesheets that are not filled out accurately, or are illegible will be sent back for corrections. If the corrected timesheets are not received by the payroll deadline they will be processed during the next payroll cycle.

Employees using DnD Telephony to document who work a shift that begins before midnight and ends after midnight must clock out at 11:59 p.m. and clock back in at 12:01 a.m. This allows for time to be recorded on each day.

If you have questions or experience problems with the DnD Telephony system, or have questions completing your required documentation please contact your Scheduler or QP.

### **E.2 OVERTIME**

The United States Department of Labor (DOL) stipulates that hours worked in excess of 40 hours per week are considered overtime. DSPs working over 40 hours per week will be paid at one and one half-time their hourly wage. **DSPs are not allowed to work over 48 hours in a pay week.**

### **E.3 PAID TIME OFF (PTO)**

DSPs in both the Traditional and PCA Choice Programs earn one hour of PTO for every 40 hours of work. DSPs who work in the Respite Program do not accrue PTO. For each pay period SEMCIL will take the total number of hours a DSP has worked and divide that number by 40 to determine the total amount of PTO earned for that pay period. **DSPs must work a total of 600 hours or six (6) months, whichever comes first, in the PCA Program before they can use their PTO.**

The total number of PTO hours used -- or a combination of work hours and PTO hours -- may not exceed 40 hours per workweek. The SEMCIL workweek is defined as Wednesday through Tuesday. PTO does not count as hours worked for purposes of overtime calculation.

DSPs can carry over up to 80 hours of unused PTO from one year to the next. DSPs may not cash out excess PTO at any time. Accrued PTO will not be paid to employees who are terminated from their job for violation of SEMCIL policies or other misconduct.

For DSPs in the PCA Traditional Program, PTO hours accumulated but not used will be paid upon resignation as long as the employee gives SEMCIL at least two (2) weeks written notice of resignation from SEMCIL.

### **E.4 MILEAGE REIMBURSEMENT**

The mileage reimbursement rate will be set by SEMCIL on an annual basis. Only mileage from one visit to the next consecutive visit, in the same day, will be reimbursed. Reimbursement will not occur for what constitutes traveling to work or going home at the end of the work day.

SEMCIL must verify the automobile insurance and motor vehicle record of each employee before the employee is eligible for mileage reimbursement. Please submit to SEMCIL:

- Proper verification that the vehicle is insured at a minimum of \$100,000 per person, \$300,000 per incident and \$50,000 property damage.
- Valid and current driver's license
- Completed and signed MVR Form

Any change to the status of an employee's driver's license (i.e., renewal, revocation or suspension) and/or auto insurance (i.e., renewal or carrier change) is to be immediately reported to SEMCIL. Violations to this policy that may result in the employee not being allowed to use their personal vehicle for agency business include, but are not limited to:

- Reckless or careless driving; Failure to wear seat belt
- Driving under the influence of drugs or alcohol

## **E.5 HOLIDAYS**

**PCA Traditional Program:** The SEMCIL PCA Traditional Program observes the following holidays: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day and Christmas Day. DSPs in the Traditional Program required to work any of these holidays shall be paid one and one-half the regular hourly rate.

**PCA Choice Program:** SEMCIL PCA Choice Program employees will be paid one and one-half the regular hourly rate for the following holidays;

- New Year's Day
- Martin Luther King Jr Day
- Memorial Day
- Labor Day
- Thanksgiving Day

## **E.6 AFLAC**

Through AFLAC, eligible employees have optional benefit plans available to them. Coverages available include Accident, Critical Health Event, Personal Term Life, Cancer, as well as others. These plans pay a cash benefit to the enrollee, above and beyond any existing group health plan, and some of these plans may be pre-taxed for additional savings.

To be eligible to participate, an employee must work a minimum of thirty (30) hours or more each pay period. Employees are eligible after sixty (60) days of employment effective the first of the month following or coincidental with.

## **E.7 403(b) RETIREMENT SAVINGS PLAN**

SEMCIL offers a 403(b) Plan to all employees through Primerica Financial Services. An employee may choose to contribute pre-tax income into the plan each pay period.

Additional information regarding the 403(b) Retirement Savings Plan is provided at orientation and training for Traditional PCA Program DSPs and is available in the PCA Choice Program employee packet. Additional questions may be directed to SEMCIL.

## **E.8 FAMILY MEDICAL LEAVE ACT (FMLA) & MN Pregnancy and Parenting Leave Act**

### **Purpose**

This Policy provides guidelines regarding employee's rights under the Family and Medical Leave Act of 1993 (FMLA) and SEMCIL policy. The FMLA provides that certain employees may be entitled to up to 12 workweeks of unpaid leave measured on a rolling 12-month period measured backward from the date that the employee uses his or her FMLA leave because of a qualifying reason for leave for either the employee or the employee's eligible relative.

### **Employee Eligibility**

To qualify to take family or medical leave under this policy, an employee must meet all of the following conditions:

- The employee must have worked 12 months for SEMCIL.

- The employee must have worked at least 1250 hours during the 12-month period immediately before the date when the leave is requested to commence.
- The employee must work in a worksite where 50 or more employees are employed by the agency within 75 miles of that office or worksite.

### Qualifying Reasons That Would Entitle an Employee to FMLA Leave

The FMLA requires that SEMCIL provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- For an incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent who has a serious health condition (see Serious Health Condition Defined below);
- For a serious health condition that makes the employee unable to perform the employee's job (see Serious Health Condition Defined below);
- For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty (see Military Family Leave Entitlements below).

The FMLA also requires that SEMCIL provide up to 26 weeks of unpaid, job protected leave to eligible employees for them to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member (see Military Family Leave Entitlements below).

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter or parent on covered active duty in the Armed Forces, National Guard or Reserves may use their 12 week leave entitlement to address certain qualifying exigencies. For purposes of the FMLA, covered active duty for regular Armed Forces personnel means duty during the deployment to a foreign country; while covered active duty for reservists means duty during deployment to a foreign country under a call or order to active duty. Qualifying exigencies may include:

- Attending certain military events and related activities;
- Short-notice deployment;
- Certain childcare or school activities;
- Addressing certain financial and legal arrangements;
- Rest and recuperation (maximum of 15 calendar days);
- Attending certain counseling sessions;
- Attending post-deployment reintegration briefings; and
- Providing certain parental care, if the parent of the military member is incapable of self-care.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred, or a pre-existing injury or illness aggravated in the line of duty on active duty that may render the covered servicemember medically unfit to perform his or her duties for which the covered servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered servicemember is also a covered veteran of the Armed Forces, including a veteran of the National Guard or Reserves, who was discharged or released under conditions other than dishonorable at any time during the five (5) years prior to the first date the employee takes FMLA leave to care for the covered veteran, and who experienced a serious injury or illness

or aggravated a pre-existing serious injury or illness while in the line of duty on active duty, which manifested itself before or after the service member's military service ended, so long as the medical treatment, recuperation, or therapy for the injury or illness begins within five (5) years from the end of the service member's military service. Note that a "serious injury or illness" for purposes of leave to care for a covered servicemember is not the same as a "serious health condition." Option: This leave entitles the eligible employee to only one 26 week period of leave per covered servicemember, per injury. Employees may be eligible for another 26 week period of leave for a different covered servicemember or for a different injury on the same covered servicemember for which an earlier leave was taken.

### Serious Health Condition Defined

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves either –

- An overnight stay in a medical care facility; or
- "Continuing treatment" by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by incapacity due to pregnancy or prenatal care, a chronic condition, a permanent or long-term condition, or a condition requiring multiple treatments. It can also be met by a period of incapacity of more than 3 consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves -

- Treatment during at least two visits to a health care provider within 30 days of the first day of incapacity; or
- One visit and a regimen of continuing treatment.

An incapacity exists when the employee or covered family member is unable to work, attend school or perform other regular daily activities due to the serious health condition, treatment of the serious health condition or recovery from the serious health condition.

Other conditions may meet the definition of continuing treatment. In order to qualify as treatment by a health care provider, the first (or only) in-person treatment visit must take place within 7 days of the first day of the employee's incapacity. If it does not, your request for FMLA may be denied absent extenuating circumstances.

### Employee Notification Responsibilities

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and must comply with SEMCIL's normal call-in procedures for each and every scheduled shift unless and until the employee is notified that other notice procedures apply for the duration of the leave. When the need for leave is foreseeable, employees who want time off for FMLA qualifying leave or any other type of paid or unpaid leave must contact SEMCIL to request the leave and explain the circumstances of the leave. An employee's failure to contact SEMCIL may result in the delay or denial of your request for FMLA leave. Employees must provide sufficient information for SEMCIL to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the



need for military family leave. Employees also must inform SEMCIL if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave (see Employee's Certification Responsibilities below).

#### SEMCIL's Responsibilities

SEMCIL must inform employees requesting leave whether they meet the threshold eligibility requirements under the FMLA. SEMCIL has designed a form for this purpose, so that once the employee has sufficiently notified it that he or she has a qualifying reason for FMLA, if he or she is eligible for leave, the form will be mailed or hand delivered to the employee notifying him or her of eligibility, responsibilities and rights, as well as additional information regarding the leave including the employee's responsibility to obtain a medical (or military) certification and deliver it to SEMCIL within 15 calendar days. If the employee is not eligible, SEMCIL will provide the employee with the reason(s) for his or her ineligibility.

SEMCIL must further inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. SEMCIL has designed an additional form for this purpose which also will be mailed or hand delivered to the employee. If SEMCIL determines that the leave is not FMLA protected, SEMCIL will notify the employee accordingly.

#### Employee's Certification Responsibilities

SEMCIL may require that an employee provide it with certification from a health care provider or from the military (as appropriate) for any leave taken for any of the following reasons:

- the employee's own serious health condition;
- to care for a covered family member with a serious health condition;
- for an employee's request for leave because of a qualifying exigency; or
- to care for a covered servicemember with a serious injury or illness.

After it is requested, it is the employee's responsibility to return the certification within 15 calendar days to SEMCIL. Failure to return this certification to the designated department may result in the denial of your request for leave until the certification is provided.

Moreover, for employees who have their own serious health condition or are caring for the serious health condition of a family member, SEMCIL may require that the health care provider recertify the status of the serious health condition. As with the initial certification, a recertification must be returned to SEMCIL within 15 calendar days. Failure to return the recertification to SEMCIL may result in the denial of the employee's request for leave until the certification is provided.

Please bear in mind that a certification form returned to SEMCIL that is incomplete, even if it is returned timely, will be insufficient and may result in the denial of the employee's request for leave until the certification is completed. Under federal law, it is the employee's responsibility to ensure that the certification form is completed and returned to SEMCIL in accordance with these rules.

Where an eligible employee seeks to take leave to care for a covered servicemember, SEMCIL may require that the employee provide it with confirmation of the covered family relationship to the covered servicemember.

Where the employee is requesting leave for the first time because of a qualifying exigency arising out of the covered active duty or call to active duty status of a military member, SEMCIL may require that the

employee provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in support of a contingency operation, and the dates of the military member's covered active duty service.

SEMCIL has the right to ask for a second opinion if it has reason to doubt the certification. SEMCIL will pay for the employee to get a certification from a second doctor, which SEMCIL will select. If necessary to resolve a conflict between the original certification and the second opinion, SEMCIL may require the opinion of a third doctor. SEMCIL and the employee will mutually select the third doctor, and SEMCIL will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### Employee's Intent to Return to Work Responsibilities

While an employee is on FMLA leave, it is important that he or she notify the appropriate person at SEMCIL of any changes in his or her circumstances that could impact employee's return to work. It is the employee's responsibility to notify SEMCIL within 2 days of any changes to his or her circumstances where notification is foreseeable. It is also the employee's responsibility to notify SEMCIL of his or her intent not to return to work following the expiration of the period of leave.

Moreover, all employees on FMLA leave are required to report on their status and intent to return to work at least once every two weeks to SEMCIL's designated representative, the agency Human Resources Department. Failure to report as requested may result in the delay in the employee's right to return to work or a cessation of his or her FMLA leave and benefits.

#### Employee's Fitness-for-duty Certification Requirements

SEMCIL may require that employees who are preparing to return to work (after taking their leave) first obtain a certification from their health care provider certifying that the employee is able to resume work and is capable of performing the essential functions of his or her job. SEMCIL will notify the employee of his or her responsibility to obtain the requisite certification at the time that leave is designated.

In order for the employee to be allowed to resume working, SEMCIL must have the completed fitness-for-duty certification. An employee's failure to provide the completed fitness-for-duty certification may result in a delay in the employee being restored to his or her job with the potential for termination of his or her employment with SEMCIL.

#### Benefits and Protections

During FMLA leave, SEMCIL will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms assuming that the employee has satisfied his or her fitness-for-duty certification requirements as set forth in this Policy.

Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

During the employee's unpaid leave, employees who would otherwise accrue paid time off while they were working will no longer do so. Employees using PTO for FMLA leave will accrue PTO benefits in accordance with the PTO Policy. Employees who would otherwise be entitled to be paid for holiday(s) will not be paid for the holiday.

If the employee chooses not to return to work or fails to return to work for at least 30 calendar days for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, SEMCIL may require that the employee reimburse SEMCIL the amount it paid for the employee's health insurance premium during the leave period if applicable.

#### Employee's Use of Leave

An employee does not need to use this leave entitlement in one block except for leave to care for the employee's child after birth, or placement for adoption or foster care, which must be taken in a block of time. Leave due to the employee's or the employee's family member's serious health condition can be taken intermittently or on a reduced leave schedule when medically necessary. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt SEMCIL's operations. An employee's failure to make reasonable efforts to schedule planned medical treatment so as not to unduly disrupt SEMCIL's operations may result in SEMCIL's refusal to designate the leave as FMLA qualifying.

An employee needing intermittent leave or leave on a reduced leave schedule that is foreseeable may be transferred temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

Eligible spouses who are both employed by SEMCIL are limited to taking a combined 12 weeks of leave to care for the employees' child after birth, or placement for adoption or foster care (and 26 weeks of leave in a single 12-month period to care for a covered servicemember).

#### Substitution of Paid Leave for Unpaid Leave

During the first three (3) working days of a qualifying event, employees must use earned Paid Time Off (PTO) for their absence. The employee will be required to exhaust all accrued PTO before taking leave as unpaid.

An employee who is using FMLA military caregiver or qualifying exigency leave must use and exhaust all accrued PTO before taking leave unpaid. While using FMLA leave intermittently, employees must use and exhaust all accrued PTO before taking leave unpaid.

If the employee substitutes his or her paid leave for FMLA leave the paid leave will nevertheless run concurrent with the FMLA leave (i.e. the FMLA leave will become paid leave until the employee's paid leave is exhausted).

#### Unlawful Acts by SEMCIL

The FMLA makes it unlawful for any employer to:

- interfere with, restrain or deny the exercise of any right provided under the FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

## Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

## **MINNESOTA PREGNANCY AND PARENTAL LEAVE**

Employees who have been employed by SEMCIL for at least 12 months and have worked an average of at least forty (40) hours per pay period during the previous 12 months will be provided an unpaid leave of absence of up to 12 workweeks for the birth or adoption of a child, or for the placement of a child in foster care, in accordance with the Minnesota Pregnancy and Parenting Leave Act. The Pregnancy or Parenting Leave may begin at a time designated by the employee but must start within the 12 months of the date of the birth, adoption or placement of the child, or from the date the child was released from the hospital if hospitalized at birth. Accrued time off may not be used to extend a Pregnancy or Parenting Leave beyond 12 weeks.

When the need for a Pregnancy or Parenting Leave is foreseeable, such as the expected birth, adoption or placement of a child, the employee must provide SEMCIL with at least a 30 days' notice. If the exact date of the birth, adoption or placement is unforeseeable, the employee must provide notice as soon as practicable.

Employees are required to substitute their accrued paid leave for qualified Pregnancy or Parenting Leave on the same basis as for FMLA Leave. Any paid leave substituted for Pregnancy or Parenting Leave, as well as any FMLA Leave used for the same purpose will run concurrent with the Pregnancy or Parenting Leave. Pregnancy or Parenting Leave may not be extended by use of other forms of paid leave. Return to work is administered in the same way as with FMLA Leave.

## **SECTION F: HEALTH & SAFETY**

### **F.1 WHEN YOU ARE INJURED AT WORK**

All non-emergency work related injuries are to be reported to the Work Injury Hotline immediately following an injury. The hotline is a toll free number that allows for 24/7 access to specially trained medical professionals who can offer advice on the appropriate level of care you may need at the time a work related injury or accident occurs.

Information regarding the work injury hotline, including the phone number, is provided to all employees when there is a change in or renewal of the agency workers' compensation provider and at hire. Employees are to keep the business card containing contact information with them at all times.

If you have a life-threatening injury, call 911 first. If 911 is called, you are to call the Work Injury Hotline after your treatment to report the injury.

The hotline is not a medical illness hotline, and is not to be used to report a prior or current medical condition, pregnancy leave or restriction, surgery, or non-work related injury, accident or illness.

When you place a call to the Work Injury Hotline you'll speak privately with a nurse who is specially trained in responding to work injuries. They will collect required information to properly identify you and to complete the reporting requirements. After a short assessment, the nurse will determine the seriousness of the injury and the most effective way to treat it. If the injury is minor and self-care is sufficient to treat it, recommendations will be sent to you. For more serious injuries requiring off-site treatment, you will be referred to a medical facility in your area. This information is kept confidential and is only released to those who have a right to access it.

Once you've completed your call to the Work Injury Hotline you must call SEMCIL at 507-285-1815 to notify us if you've been instructed to not work for a period of time or to seek other medical treatment.

## **F.2 RETURN TO WORK PROGRAM**

### **Purpose**

It is the policy of SEMCIL to provide meaningful work activity for all employees who temporarily become unable to perform all, or portions, of their regular work duties due to a work-related or non-work-related injury or illness. By providing temporary transitional or modified work activity, injured employees remain an active and vital part of the agency. Return to work duties may be in the form of either changed duties within the scope of the employee's current position, or other available duties for which the employee may be qualified, or through a reduced work schedule.

### **Scope**

All active employees who become temporarily unable to perform their regular job duties due to work-related or non-work-related injury or illness may be eligible for temporary work duties within the provisions of this program.

### **Responsibilities**

Supervisors and managers will demonstrate support for the Return to Work Program and actively participate and cooperate in its administration.

Employees will support, contribute, and participate in the Return to Work Program when they sustain an occupational injury or illness, or they may become ineligible for Workers' Compensation benefits.

### **Application**

If work is available which meets the limitations/restrictions set forth by the attending practitioner, the employee may be assigned transitional or modified work for a period not to exceed ninety (90) days. Transitional or light duty is temporary and an employee's eligibility in a temporary assignment will be based on medical documentation and continued recovery.

An employee's restrictions are effective twenty-four (24) hours per day. Any employee not following their restrictions may cause a delay in their healing or may further aggravate their condition. By not following the restrictions, an employee may be subject to disciplinary action, up to and including termination.

Transitional and/or modified duty will be available to all employees on a fair and equitable basis, with temporary assignments being based on skills and abilities. The employee's attending practitioner will base

eligibility upon completion of a Return to Work Evaluation Form. An employee on modified duty will be considered part of regular staffing, with recognition of the employee's limitations.

### Procedure

Transitional or modified duty shall consist of the employee's normal work schedule; however, every effort will be made to coordinate a restricted work schedule with the employee's normal work schedule. Dependent upon the employee's limitations/restrictions, it may be necessary to design a temporary schedule to accommodate the restrictions.

### Payment of Wages during Transitional Duty

#### *Work-related injury or illness:*

If an injury or illness is determined to be work related, benefits/wages will be paid in accordance with the state Workers' Compensation statute, with regard for the "waiting period" and policies/procedures.

Employees performing modified duty on a restricted work week (during the first 90 days of a Worker's Compensation leave) will receive payment for hours worked from the agency and the hours not worked will be reimbursed according to State Worker's Compensation guidelines.

#### *Non-work-related injury or illness:*

An employee performing transitional duty for their normal work schedule shall receive their regular hourly rate for all actual hours worked.

### Medical Appointments

Medical appointments that conflict with working hours must be coordinated, in advance, with your PCA Recipient and scheduling if you are part of the Traditional PCA Program. Appointments are to be scheduled as to not interfere with working hours. Non-emergency medical appointments NOT scheduled in advance may be cause for denial of the time off and subsequently ineligible for payment.

A status report/update must be provided from each practitioner visit for evaluation of the impairment and to identify any restrictions. It is the employee's responsibility to keep SEMCIL apprised of their status after each physician visit.

### Refusal to Participate in the Return to Work Program

If an employee chooses not to participate in the Return to Work Program due to a work-related injury or illness, they may become ineligible for Workers' Compensation benefits.

## **F.3 A WORKPLACE ACCIDENT AND INJURY REDUCTION PROGRAM (AWAIR)**

The Minnesota Occupational Safety and Health Act (OSHA) requires that employers develop a workplace accident and injury reduction program (AWAIR). SEMCIL views accident prevention as an integral part of your work.

SEMCIL is concerned with providing a safe working environment for all employees and will attempt to ensure the following:

- Employees shall be provided with reasonable safeguards to ensure safe working conditions.
- Working conditions shall be safe, neat, clean, attractive and healthy.
- All equipment, tools and machines shall be maintained in safe working order.
- Employees shall be trained in safe and correct work methods and procedures.

- SEMCIL shall comply with all Federal, State and local laws regarding accident prevention and safe working conditions.

#### **F.4 BLOOD BORNE PATHOGENS & INFECTION CONTROL**

OSHA guidelines require that SEMCIL shall provide training relevant to the blood borne pathogen standard. The purpose of this standard is to reduce occupational exposure to Hepatitis B Virus (HBV), Human Immunodeficiency Virus (HIV) and other blood borne pathogens that employees may encounter in the workplace. Employees are trained in the proper precautions and infection control during orientation and training.

#### **F.5 FIRE SAFETY**

All employees must know the locations of the exits, including doors and windows, of the residences you are working in. Evacuate persons from the area, using the appropriate exit route. Dial 911 and provide your name and the location of the fire.

#### **F.6 SAFETY AND HEALTH PROGRAM**

SEMCIL is responsible for the planning and operation of a comprehensive safety and health program and may appoint a safety committee to assist. The purpose of the program shall be:

- Establishing procedures for handling suggestions and recommendations of SEMCIL staff.
- Providing information on safe and healthful working practices to employees.
- Recommending changes and/or revising policies to comply with current safety and health standards.
- Promoting safety and health programs for all employees.

Any employee who is observed acting in an unsafe manner must immediately reported to SEMCIL PCA Program by the PCA recipient and/or employee observing this behavior.

#### **F.7 NON-STERILE GLOVES FOR THE DSP IN THE TRADITIONAL PCA PROGRAM**

In compliance with Occupational Safety and Health Administration (OSHA) regulations (29 CFR 1910.1030 (d)(3)), and per MN Department of Human Services requirements, SEMCIL, as a PCPO agency, shall issue non-sterile gloves at no cost as personal protective equipment to SEMCIL PCA Program DSPs.

The non-sterile gloves are for use in SEMCIL PCA recipient homes for tasks where SEMCILPCA Program DSPs may have contact with blood, other potentially infectious materials, mucous membranes, non-intact skin or may handle or touch contaminated items or surfaces.

Such tasks may include, but are not limited to:

- Changing Diapers
- Changing Soiled Linens
- Dressing Change
- Perineal Care
- Emptying Foley Catheters/Urinals/ Bedpans
- Bowel Cares
- Cleaning Toilet/Commode
- Cleaning Dentures

### Distribution of Gloves

PCA recipients and/or their representatives will pick up gloves at the Rochester offices or arrange, in advance, for their Qualified Professional to bring gloves to the next scheduled supervisory visit.

It will be the responsibility of the PCA recipient to monitor and arrange for more gloves. Gloves are to be left in the recipient's home and used by SEMCIL DSPs only for uses as outlined in this policy. The number of boxes distributed, per PCA recipient, will depend on the average number of qualifying tasks.

The frequency of distribution will be determined by the Qualified Professionals. The Qualified Professionals will be responsible for determining the number of boxes needed by the PCA recipient admission and with each care plan review/update. SEMCIL reserves the right to limit gloves based on actual usage over time.



**DIRECT SUPPORT PROFESSIONAL and HOMEMAKER  
EMPLOYEE POLICY AND PROCEDURE HANDBOOK  
ACKNOWLEDGEMENT FORM**

- A. I acknowledge that I have received a copy of the SEMCIL DSP Employee Policy and Procedure Manual and I agree to read it and familiarize myself with its contents, as well as abide by its terms. I understand the policies, rules and benefits described are in effect on the date of publication. I also understand that these policies will continually be evaluated and may be amended, modified or cancelled at any time, with or without prior notice.
  
- B. The purpose of this Employee Policy and Procedure Manual is to provide brief, general information on SEMCIL benefits and employment practices. As such, I understand that SEMCIL does not intend to create a contract of employment by placing these matters in writing.
  
- C. I have read the Non-Discrimination and Anti-Harassment Policies and understand how to report suspected discrimination and harassment in the workplace. I have read the Employee and PCA Recipient Records Policy, Access & Management policy.
  
- D. I understand and agree my employment with SEMCIL is at-will and therefore it is for no definite period of time and that SEMCIL may elect to discontinue my employment relationship for whatever reason it considers proper and at any time. I, likewise, may leave SEMCIL for whatever reason I consider proper and at any time.

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Print Name

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Employee's Signature

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Date