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Metropolitan Center for  
Independent Living



PAS Employee Guidebook

[4/1/2011-03/16/2016](#)

# PERSONAL ASSISTANT SERVICES EMPLOYEE GUIDEBOOK

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## Welcome

The Board of Directors of the Metropolitan Center for Independent Living (MCIL) welcomes you as part of the MCIL team and as part of the independent living movement. We believe that each employee contributes directly to MCIL's growth and success, and we hope you will take pride in being a member of our team. Your role as a Direct Support Professional is crucial to the success with which people with disabilities are able to live independently and contribute to the strength of their communities. We hope that your ~~employment at~~ time working with or for MCIL will be challenging, enjoyable, rewarding, and that it will contribute to your personal and professional growth. Again, welcome!

Sincerely,

Jesse Bethke Gomez Executive Director ~~and~~

## Introductory Statement

This guidebook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of this Personal Assistant Services guidebook as soon as possible. It will answer many questions about employment with MCIL.

No employee guidebook can anticipate every circumstance or question about policy. As MCIL continues to grow, the need for changes may arise, and ***MCIL reserves the right to revise, supplement, or rescind any policies or portion of the guidebook from time to time as it deems appropriate, in its sole and absolute discretion.*** The only exception to any changes is our employment-at-will policy permitting you or MCIL to end our relationship for any reason at any time. Employees will be notified of changes to the guidebook as they occur. As the sole policy-making body of the organization, the Board of Directors has the ultimate authority to approve all personnel policies. The Executive Director has the responsibility for implementing the personnel policies. All personnel practices shall be consistent with the policies. MCIL expects all employees to be guided by the spirit as well as the letter of these policies.

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## MCIL ORGANIZATION DESCRIPTION

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MCIL is incorporated under the non-profit corporation laws of the State of Minnesota and is operated exclusively for charitable, scientific, and educational purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code of 1954 as amended. MCIL currently operates its office in the County of Ramsey at 1600 University Ave. Suite 16, St. Paul, Minnesota 55104-3834.

The activities of this organization are those which will allow the accomplishment of objectives in advocacy, independent living skills and information services to people with disabilities, businesses, residents, agencies and other groups.

MCIL is governed by a Board of Directors comprised of at least 51% of people with disabilities. An Executive Director selected by that Board administers the organization. Corporate income is derived from grants, contracts, and fund raising activities related to the mission of the organization.

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## CENTERS FOR INDEPENDENT LIVING

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MCIL is one of eight Centers for Independent Living in Minnesota (located in East Grand Forks, Hibbing, Moorhead, St. Cloud, St. Paul, Marshall, Mankato, and Rochester) and one of more than 400 Centers for Independent Living in the United States. A Center for Independent Living is a consumer-controlled, community-based, cross-disability, non-residential, private nonprofit agency that:

- Is designed for and operated within a local community by individuals with disabilities, and
- Provides an array of Independent Living services. Essential (core) programs or services include Independent Living Skills, Peer Support, Information & Referral, and Advocacy.

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## OUR MISSION STATEMENT

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Metropolitan Center for Independent Living's Mission statement is *"To work with people with disabilities in fulfilling their desire to lead productive, self-determined lives."*



It is vitally important to MCIL's mission that you understand, accept, and practice the values of the organization in the conduct of your work.

Your job performance will be evaluated consistent with the Independent Living philosophy and operational values as presented in this guidebook.

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## EMPLOYMENT WITH MCIL

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### A NOTE ABOUT THE PERSONAL ASSISTANT SERVICES (PAS) PROGRAM

The PAS program provides opportunity for dignity, choice, continuity and growth in all aspects of customer service and program development. MCIL's PAS program offers a service in which the consumer has the access, freedom and choice to purchase and direct their supports and services.

Our consumer-directed model offers an alternative to traditional, medical-model services. Our PAS program gives consumers the opportunity to hire, train, schedule and direct their Direct Support Professionals (DSPs). Our PAS model also provides consumers the option of utilizing our management and administrative staff to assist with screening, training, co-supervision and any other consumer-defined program supports and services.

~~MCIL is the employer of record and has final say in all decision making instances.~~

PCAs billing the program are employees of the consumer and the state, and MCIL is a fiscal intermediary for the consumer, and provides HR supports. Individuals who go through an orientation are being made eligible to bill MCIL for hours worked, and are not guaranteed hours by the agency.

Homemakers are statutory employees of MCIL, and as such, MCIL is the employer of record.

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## CARE DIRECTOR

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~~We~~As a PCA or homemaker, we consider the person for whom you are working with, the consumer or responsible party, to be directing their own cares. It is that person's decision to hire you and that person's responsibility to give you the direction and training needed for you to be effective in your job. We expect that you will view the person with the disability as in charge of his/her needs. Look to that person for your schedule of work and evaluation of your work. ~~MCH is your employer of record look~~Look to us for employment/HR related information.

When enrolling in this program, each consumer agrees they, and not the doctor or nurses or others, are responsible for his or her own life and the services needed to manage it. Each consumer makes decisions regarding everyday activities as well as major life decisions; and is willing and able to accept the responsibility for the consequences of those decisions. (For some consumers, especially those under the age of 18, there is a designated Responsible Party who makes those decisions.)

~~Unlike traditional medical model service providers, we do not assign you to work with a specific individual/schedule. It is the individual consumer's choice to select specific Direct Support Professionals.~~

~~The Personal Assistance Services Human Resource Department is also valuable resources for you and the consumer for whom you work with. You are encouraged to consult with them for additional/administrative supports.~~

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## BACKGROUND CHECK PROCESS

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Minnesota Statute 245A.04 Rule 11 requires the Department of Human Services to conduct a criminal background check on anyone working as a Direct Support Professional. It is clearly understood that any person failing the background check (or not meeting the exceptions provided by the law) is not eligible to work as a Direct Support Professional. By signing the release when you apply for employment with MCIL, you authorize this background check and authorize the Department of

Human Services to release its findings to MCIL and any consumers using our services.

You may not begin working until:

~~a. MCIL has received verification through DHS that your study was completed and that your status was “done-passed.”~~

~~b. MCIL has received notification that you have been assigned a provider number. This process may take anywhere from 2 to 6 weeks. Provider numbers are non-transferable and cannot be used by multiple companies at the same time. For more information DSPs and consumers are encouraged to contact the MN Department of Human Services Help Desk at 651.431.2000.~~

~~MCIL has contacted you to allow you to begin work.~~

Please note: Any employee that begins to document work for a consumer without verification from MCIL **cannot hold MCIL responsible for compensation of wages worked.** All DSP's will read and initial that they understand this clause, described in the DSP Contract, Parts 1 & 2, upon completing new hire paperwork.

## NATURE OF EMPLOYMENT

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Employment with MCIL is voluntarily entered into, and you are free to resign at any time. Similarly, MCIL 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. **MCIL does not guarantee employment for any specified period of time nor does it guarantee a set number of hours or set schedule of work.**

~~Direct Support Professionals are designated as NOT EXEMPT from federal and state wage and hour laws. You are employed by MCIL under the direction and supervision of individual Consumers of Personal Assistant Services.~~

~~Policies set forth in this guidebook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between MCIL and any of its employees. The provisions of the guidebook have been developed at the discretion of management and, except for its policy of employment at will, may be amended or canceled at any time, at MCIL's sole discretion.~~

~~These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Executive Director of MCIL.~~

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## EMPLOYEE RELATIONS

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~~MCIL believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. One of the best ways to provide quality customer service is to offer DSPs a livable wage that will allow them to obtain a standard of living that contributes to the employee's health and well being. MCIL also believes employees should have every opportunity to increase their employment wages; based on their level of commitment, work ethic and accountability to the individuals we provide services and supports to, in addition to the mission and Independent Living Philosophy of MCIL. If you have concerns about work conditions or compensation, you are strongly encouraged to voice these concerns openly and directly to Human Resources.~~

~~When employees deal openly and directly with consumers and MCIL, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that MCIL amply demonstrates its commitment to employees by responding effectively to employee concerns.~~

~~For PCAs, unlike traditional medical-model service providers, **we do not assign you to work with a specific individual/schedule.** It is the individual consumer's choice to select specific Direct Support Professionals.~~

~~For homemakers, we will work with the consumer to set the schedule and find and direct services. Please contact the consumer first, with questions, and MCIL second.~~

~~Homemakers are "at will" employees. That means there is no contractual agreement that limits homemaker's right to terminate their employment. Likewise MCIL retains the right to terminate homemaker's employment or change any term or condition of employment at any time, without or without cause or prior notice. Homemakers will be helped to understand and meet the requirements of the job when possible and appropriate. However, failure to meet job requirements may result in reassignment to another position or termination of employment. The conditions of employment, including provisions and eligibility requirements for benefit programs are subject to change, government regulations, benefit contracts and other official documents, which may take precedence in administration and interpretation. MCIL will make an effort to keep homemakers informed of changes in the conditions and terms of employment as they occur. Similarly, if you have ideas for changes, which will benefit MCIL, please bring them to the attention of PAS Program Manager. Through our open door philosophy, you are always welcome to present your ideas to your supervisor or other members of management.~~

## EMPLOYMENT CATEGORIES

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It is the intent of MCIL to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and MCIL.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by MCIL management.

In addition to the above categories, each employee will belong to one other employment category:

- ~~REGULAR FULL-TIME~~ employees are those who are not in a temporary or introductory status and who are regularly scheduled to work MCIL's full-time schedule. Generally, they are eligible for MCIL's benefit package, subject to the terms, conditions, and limitations of each benefit program.
- ~~REGULAR PART-TIME~~ employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 32 hours per week.
- ~~INTRODUCTORY~~ employees are those whose performance is being evaluated to determine whether further employment in a specific position or with MCIL is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.
- ~~TEMPORARY~~ employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless until notified of a change.
- **DIRECT SUPPORT PROFESSIONALS** are employed by MCIL and are under the direction of individual consumers of personal care. All DSPs hourly variable employees. Homemakers are employed by MCIL and must follow policies and guidelines outlined in this manual. PCAs are employed by the consumer and the state of Minnesota and must also follow the policies and guidelines outlined in this manual.

## EQUAL EMPLOYMENT OPPORTUNITY

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In order to provide equal employment and advancement opportunities to all individuals, employment decisions at MCIL will be based on merit, qualifications, and abilities. MCIL does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, membership or activity in a local commission, veteran status or any other characteristic protected by law.

If you have questions or concerns about any type of discrimination in the workplace, you are encouraged to bring these issues to the attention of the Human Resources, or the Executive Director of MCIL. You can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment or services.

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## DISABILITY ACCOMMODATIONS

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~~MCIL is committed to complying fully with the Minnesota Human Rights Act (MHRA) and the Americans with Disabilities Act (ADA). MCIL wants to ensure equal opportunity in employment for qualified persons with disabilities, and will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. MCIL is similarly committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.~~

~~Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the job duties of the position.~~

~~Reasonable accommodation is available to all otherwise qualified employees with disabilities where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.~~

~~This policy is neither exhaustive nor exclusive. MCIL is committed to taking all other actions necessary to ensure equal employment opportunity for people with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.~~

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## PERSONNEL RECORDS

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### ACCESS TO PERSONNEL FILES

~~MCIL maintains a personnel file for each employee. Each file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and pay rate increases, references sent to other employers, and other employment records. Medical records, request for reasonable accommodation, and disability disclosure records are maintained in a~~

~~separate locked file in accordance with the ADA. All information in the file is treated as confidential information.~~

~~Personnel files are the property of MCIL and access to the information they contain is restricted. Only supervisors and management personnel of MCIL who have a legitimate reason to review information in a file are allowed to do so.~~

~~If you wish to review your own file, you should contact the Human Resources. With reasonable advance notice, you may review your own personnel file in MCIL's offices with Human Resources.~~

### EMPLOYMENT VERIFICATIONS

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~~It is the policy of MCIL to check the employment references of all applicants.~~

~~The PAS Program Staff will forward all requests for reference checks from other employers to Human Resources. Responses to such inquiries will be limited to the dates of employment and the position held, as substantiated by MCIL's records. No other employment data will be given to inquirers without your written and signed authorization and release. (Consumers who are actively receiving services from the program and are interested in hiring you will also have access to your records.)~~

~~Your employee personnel file is securely and confidentially maintained in the PAS Manager's locked office. Included in your file is information that you provided when you were first hired and information about your employment, with MCIL or the consumer, since then. Access to your employee personnel file is limited to those who have a legitimate "need to know" basis, such as supervisors, management, and human resources. You may review the contents of your employee file once every six (6) months upon submitting written, good faith request to the PAS Manager. The PAS Manager must respond to your request within seven (7) working days by making your file available at MCIL. You may review your file in the presence of the PAS Manager, or Human Resources. You may obtain a copy of your file upon written request and MCIL will respond within a reasonable time. MCIL may charge you a fee not to exceed the actual cost of compiling a copy.~~

~~If you dispute specific information contained in your file, you may negotiate with MCIL for the disputed information's removal. If that fails, you may submit a written statement explaining your position with respect to that information. Information from your employee file will be released to other than authorized MCIL personnel only with your written approval. The only exception will be information demanded by a court order. Therefore, if you are applying for credit or for other reasons that you want information shared with others, be sure to notify the PAS Manager.~~

It is important that changes in your personal status – name, address, telephone number, emergency contacts, benefit status, marital status, dependents, etc. – be reported to the PAS Manager promptly. This will assure that benefits, tax withholding, and other conditions of your employment are properly documented and administered.

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## PERSONNEL DATA CHANGES

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It is **your** responsibility to promptly notify MCIL of any changes in personnel data. Personal mailing addresses, telephone numbers, number of tax deductions, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. ~~Notices of outdated addresses or disconnected telephone may cause paychecks to be held until the correct information is received.~~ Notify the PAS immediately if any of your personal information changes. MCIL will not be responsible for lost work, lost paychecks, or any other consequences of outdated information.

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## NEW EMPLOYEES

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### **Employment application process**

MCIL relies upon the accuracy of information contained in your employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in your exclusion from further consideration for employment or, if you have already been hired, termination of your employment.

### **New Hire Orientation**

Each newly hired (or rehired) DSP must contact ~~Human Resources~~ MCIL's PAS Department to set up an orientation. All DSP's must carefully complete the necessary paperwork to enroll as an individual DSP provider through both DHS and MCIL. DSP's are expected to carefully read all terms and conditions prior to signing these documents. These documents contain important information related to employee start date notifications, wages, schedules, etc. Any missing and/or incomplete paperwork will delay the processing of your new hire paperwork.

### **Background Check Process**

~~Each DSP will complete paperwork for MN PCA Enrollment. This information is first used to run two background check reports: the Office of Internal Investigation and~~

~~the MN Department of Human Services background checks. Each background check is necessary for enrollment with the State of MN. Upon completion the DSP Application will be faxed to the MN Department of Human Services. At that time a provider number will be assigned to the individual PCA.~~

### **~~Provider Number Assignment~~**

~~Provider number assignment is conducted by the MN Department of Human Services. It may take the department up to four weeks to assign an Individual PCA Provider number. All PCAs (both newly hired and returning) must pass a criminal background check and have a provider number assigned to them by the Department of Human Services prior to beginning work for MCIL Consumers.~~

### **~~Initial Introductory Period~~**

~~The initial introductory period of 90 days is intended to give you, as a new employee, the opportunity to demonstrate your ability to do your job in a satisfactory manner and to determine whether the job meets your expectations. MCIL uses this period for consumers to evaluate your capabilities, work habits, and overall performance. Either you or MCIL may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.~~

~~*Please note: any disciplinary action during the 90-day introductory period, is grounds for immediate termination.*~~

## **Training Materials**

~~The PAS program has developed training modules and test questions to assist consumers with on-the-job training. Please contact the PAS to obtain these modules. In addition to this the MN Department of Human Services has implemented a “DHS PCA Training” program that certifies each PCA to work as a care giver in the State of MN. This, along with a Medicare Fraud, Waste and Abuse training must be completed before hire. All training must be completed in order to receive an annual wage increase.~~

Summary of training requirements:

- ~~● PAS Mandatory training— due at 90 day anniversary~~
- ~~● DHS Mandatory PCA training & certification— due at orientation~~
- ~~● Medicare Fraud, Waste and Abuse training— due at orientation~~

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### CONFLICT OF INTEREST

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No employee of MCIL shall use MCIL’s agents, resources, or equipment for his or her personal use or the purpose of nonprofit or profit-oriented employment outside of MCIL. Incidental support of other non-profit organizations requires the approval of the Executive Director.

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### DISCLOSURE OF WORKING RELATIONSHIP

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All DSP’s are required to disclose at the time of interview and/or at any time in which the DSP’s accepts other employment, the nature of that business and relationship. All DSP’s are bound by MCIL’s policy on Data Practices, Confidentiality and HIPPA. Any violation due to sharing or exchanging protected, confidential information will result in the DSP’s immediate suspension, an internal investigation as well as a report being filed with the Chief Investigator at DHS for violation of HIPAA (Health Information Privacy and Accountability Act). Current Responsible Parties, of any consumer within our agency, are ineligible to work as a Direct Support Professional for MCIL.

## HIRING OF RELATIVES

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In some cases, the State of Minnesota permits a person to provide Direct Support Professional services to that person's relative. This practice will be permitted on the request of the consumer and with the approval of the County Case worker if necessary (depending on the waiver).

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of people currently employed by MCIL may be hired only if they will not be working directly for or supervising a relative ~~or will not occupy a position in the same line of authority within the organization.~~ This policy applies to any relative in the organization, who has the authority to review employment decisions. MCIL will not transfer employees into such a reporting relationship. This policy does not extend to consumers hiring DSPs who are a relative, however MCIL does require such relationships be disclosed.

If the relative relationship is established after employment, ~~the individuals concerned will decide who is to be transferred.~~ If that decision is not made within 30 calendar days, the PAS Program Manager or Executive Director will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

**NOTE: DSPS WHO WORK FOR A RELATIVE ARE INELIGIBLE TO RECEIVE UNEMPLOYMENT PER THE MN DEPARTMENT OF LABOR.**

## EMPLOYEE BENEFITS

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All PCA's working with a consumer and billing through a PCA Choice Agency has the option to join the DSP Union through the SEIU. MCIL will provide information on joining at every orientation, as well as upon request by any DSP. Union membership

is not a requirement and all DSPs receive the benefits put into law by the union, including a starting wage of no less than \$10.75, and accrual of PTO hours.

Eligible Direct Support Professionals at MCIL are provided a basic set of benefits. A number of the programs (such as Social Security, worker's compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefit eligibility is dependent upon a variety of factors. Some benefit programs require contributions from employees, but most are fully paid by MCIL. These are the programs for which you may be eligible:

### **Worker's Compensation Insurance**

MCIL provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to Minnesota Department of Labor regulations, worker's compensation insurance provides coverage of medical and hospital costs immediately after the injury, and 60%-of-salary benefits starting three days after an injury that results in lost work time.

**If you have a work-related injury or illness, you should inform both the consumer and the Human Resources immediately.** No matter how minor an on-the-job injury may appear, it is important that it be reported immediately and written on the form required by the insurance company. This will enable you to qualify for coverage as quickly as possible. Failure to report an injury promptly may result in loss of benefits.

Neither MCIL nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during your voluntary participation in any off-duty recreational, educational, social, or athletic activity, whether or not it is sponsored by MCIL.

### **Supplemental Health Insurance**

DSP's who work more than 32 hours per week, averaged ~~quarterly, is yearly, are~~ eligible for employer-~~contributed health insurance, covered Minimal Essential Coverage (MEC) plan.~~ MCIL ~~will pay one-half \$25 of your group plan premium provides this for both homemakers and PCAs, even though PCAs are the balance will be paid in employees of the form of deductions from each paycheck.~~ ~~You consumer and the state.~~ DSPs must pay the full premium for any coverage of dependents.

### **Dental & Vision Insurance**

DSP's who work more than 32 hours per week, averaged quarterly, is eligible for ~~employer contributed~~ dental and vision insurance. ~~MCIL will pay one half (1/2) of your group plan premium and the other half will be paid in the form of deductions from each paycheck. You~~DSPs must pay the full premium for any coverage ~~of dependents.~~

## Holiday Pay

All DSP's have the opportunity to earn \$~~1415~~ per hour if they work during any of the following observed Holidays: New Year's Day, Independence Day, Thanksgiving Day, and Christmas Day

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## STANDARD PRACTICES

### Performance Evaluation

As a DSP, you are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis with the consumers for whom you work. ~~Additional 90 day orientation and annual anniversary performance evaluations are conducted to provide both you and MCIL the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. MCIL's PAS Program is a consumer driven program. MCIL will send out yearly reminders to consumers regarding the upcoming year anniversary of their DSPs. At that time, consumers may choose to do a yearly review, and may choose to work with the agency to give an appropriate increase in the DSPs wages.~~

### Non-Disclosure

The protection of confidential consumer information is vital to the interests and the success of MCIL. Such confidential information includes, but is not limited to:

- Consumer names and lists
- Consumer needs and services
- Consumer financial information

Any violation due to sharing or exchanging protected, confidential information will result in the DSPs immediate suspension, an internal investigation as well as a report being filed with the Chief Investigator at DHS for violation of HIPAA (Health Information Privacy and Accountability Act).

### Timekeeping

DSPs are responsible for accurately recording time worked, as required by Federal and State laws, in order for MCIL to calculate employee pay and benefits. Time worked constitutes all the time actually spent on the job performing reimbursable, assigned DSP duties.

You are expected to accurately record the starting and ending times and the number of hours that you work each day on the timesheets provided by MCIL. Timesheets must be submitted to MCIL promptly according to the printed timesheet/pay schedule. If a consumer requests that you do overtime work, or if overtime work is requested because of an emergency, you must always have it approved in advance by MCIL. Overtime is currently defined by Minnesota law as any work time over ~~48~~40 hours per week. Any timesheets which reflect unapproved overtime will be subject to internal investigation as well as resulting in an immediate written corrective action. If an employee receives three ~~unapproved~~ corrective actions they ~~will~~may be ~~terminated from~~unable to bill MCIL for further hours worked. The consumer may choose at that point to discontinue the employment relationship.

It is also your responsibility to sign timesheets to certify the accuracy of all time recorded. The consumer will then review and sign the timesheet before it is submitted for payroll processing. ~~A paycheck~~The time sheet will not be released/processed without both signatures-, unless the PAS Manager has verbally verified with the consumer that the hours are correct.

***-Altering, falsifying, or tampering with time records, or recording time on another employee's time record, will result in disciplinary action, up to and including termination of employment and legal action with County and State Officials.***

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You should report to work no more than 15 minutes before your scheduled starting time, and stay no more than 15 minutes after you have finished working, unless the consumer has expressly authorized something different.

Completed and signed timesheets must be received in the office by 4:30 pm on the Monday following the end of a pay period (see timesheet training and payroll schedule) ~~and must be signed by both the consumer and the employee.~~ (If the in/out times do not agree with the column totals, or if there is an error in calculating totals, MCIL will assume that the in/out times are correct.) Paychecks for timesheets received after that Monday may be delayed for two more weeks until the following pay period. Incomplete or incorrect timesheets will be returned for corrections, also will result in delayed payment.

## 275 Legislative CAP

In 2009 legislative mandates imposed a cap on ~~DSP~~PCA hours worked per month. This means, each ~~DSP~~PCA registered with the State of Minnesota is

required to closely monitor all hours worked, ensuring that total DSP hours worked does not exceed 275 (in one month). ~~DSPsPCAs~~ exceeding this allotted time will be denied billing per the State of Minnesota; due to the severity of the situation any ~~DSPPCA~~ that exceeds the allotted time may face disciplinary actions up to and including ~~immediate termination. All un-billable being disallowed to bill MCIL for~~ ***hours will be deducted from your following paycheck-worked. 6***

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### **Timesheet Fraud, Waste and Abuse Agreement**

Minnesota Statutes state that “theft of public funds” no matter the amount, is a felony. This means billing for even one unit of DSP services not provided is a felony.

Falsely reporting hours could result in penalties, up to and including a felony conviction and loss of your DSP license with the State. Other possible penalties include:

- Disqualification from working at a MC/MC funded job for Five years (or more)
- Possible affects to other job offers (i.e. those that included passing a background check as a qualification)
- Possible jail sentence
- Repayment of all monies owed
- Possible affects on Immigration status
- Prevented from qualifying for Section 8 housing

What is Fraud?

Fraud is defined as “the crime of obtaining money by deliberate deception”. In terms of your timesheet, it is important that you ensure the following areas are complete, accurate and verified by your consumer/the RP:

1. Fill-in each date in the pay period
2. Fill-in your ‘in and out’ times, including AM and PM, each and every day at the start and end of the shift
3. ~~Draw~~PCAs must draw a line through the days you do not work
4. ~~Initial~~PCAs must initial each support you complete, each day, keeping in mind that you may only complete duties consistent with the Consumer’s Care Plan
5. Total each days hours and fill- in the weekly and two- week totals
6. Review the timesheet prior to signing to ensure accuracy
7. Sign and date your timesheet at the end of the pay period, after your Consumer has reviewed hours submitted

### Preventing Fraud

In order to prevent fraudulent billing always review your timesheet prior to signing it and submitting it for payment. Never sign a blank timesheet. Confirm the supports you are offering are listed in the Care Plan, and, do not hesitate to contact our offices for further timesheet training if necessary.

## PAYROLL POLICIES AND PROCEDURES

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### Scope

MCIL believes that one of the best ways to provide quality customer service is to offer employees a livable wage that will allow them to obtain a standard of living that contributes to the employee’s health and well-being. MCIL also believes that employees should have every opportunity to increase their employment wages;

based on their level of commitment and accountability to the individuals we provide services and supports to, in addition to the mission and Independent Living Philosophy of MCIL as well.

## **Policies and Practices**

As per US Department of Labor mandates, DSPs who are assigned to an intermittent (asleep/awake) position and are working a shift less than 24 hours long, must be paid in full for the entire shift, even if the DSP is permitted to sleep or engage in personal activities. If the shift is 24 hours or more, the consumer and DSP may agree to **not** count hours worked as a bona fide regularly scheduled sleeping period of not more than eight hours, provided (1) adequate sleeping facilities are furnished by the consumer, and (2) the employee's time spent sleeping is usually uninterrupted, and (3) there is an expressed or implied agreement to exclude sleep time.

If the DSP is live-in, they may exclude sleep time from hours worked provided (1) the employer and employee have a reasonable agreement to exclude sleep time, 29 C.F.R. 785.23, and (2) the employer provides the employee "private quarters in a homelike environment."

Any agreement to exclude sleep time must be a written agreement and on file with MCIL.

## **Wage Disclaimer(s)**

It is the responsibility of the consumer and the DSP to track the DSP's starting date, to ensure that training materials are completed within the time allotted and that the Performance Review is submitted for consideration for the annual wage increase. PAS Management will track starting dates on a quarterly basis only and follow-up at that time if the DSP hasn't completed the training and/or annual requirements. Wage increases will not be retroactive.

All current and new DSP's will be subject to the intermittent wage agreement as assigned.

## **Holiday Pay Reminder**

~~As stated within the benefit's section; all DSPs have the opportunity to earn \$14 per hour if they work during any of the following observed Holidays:~~

~~**New Year's Day**~~

~~**Independence Day**~~

~~**Thanksgiving Day**~~

~~**Christmas Day**~~

***Holiday Pay and Overtime cannot be submitted within the same pay period. If you work overtime, you will be paid for your overtime, however, you will not receive additional holiday pay. Please remember, all overtime must be approved.***

## **Payroll Advances**

MCHL has implemented a Payroll Advancement Policy in an effort to best support our employees in times of financial hardship. MCHL believes that when the employee is given more options and resources in times of crisis and hardship, that the effects will be minimal and that the employee will have better overall health and well-being.

MCHL extends the payroll advancement policy to all active DSP staff employed for a minimum of 90 days, regardless of full or part time status.

DSP staff may request two payroll advances per year, no exceptions will be considered.

DSP staff must provide documentation to support their request for an advance.

In addition, all requests for an advance must be accompanied by a current timesheet, and the amount of money requested must not be greater than \$300.

If approved, DSP staff may need to wait up to three full business days from the date of request to receive a manual check.

DSP staff may request a payroll advance providing the advance is being requested to provide short-term emergency assistance and in any of the following situations:

- Rent, security deposit, or mortgage payment
- Emergency child care
- Medication costs for self, immediate family members and/or domestic partners
- Car repairs and/or impound lot expenses (incurred from inclement weather only)
- Travel and related expenses for funeral and/or serious illness for immediate family members and/or domestic partners
- Extreme weather supplements and/or repairs including prevention of utility shut-off, repair of furnace and/or air conditioner

*Please note: A late time sheet does not constitute a pay advance—it is the employees responsibility to submit timesheets on time and to notify Human Resources immediately upon change of address/contact information.*

***Cost:*** There is a \$10 administrative fee for every \$100 borrowed.

***Disclaimer:*** MCHL reserves the right to accept, deny or request additional documentation to support an employee's request for payroll advancement.

## **Paydays**

Employees are paid every two weeks. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a bank holiday, DSPs will be paid on the previous day as designated by the Executive Director.

DSP's are encouraged to sign up for no-fee direct deposit. All checks and check stubs will be mailed out to the address on file the Wednesday prior to payday. DSP's can expect to receive checks on Friday, however due to holidays and other times of the year that mail delivery systems experience bulk orders, your delivery may be delayed. MCIL does not guarantee that you will receive your check/check stub via mail exactly on payday. Any return to sender mail will be held in the office.

If any of the paperwork is incomplete (forms, timesheets, etc.), including any new forms required by the federal or state governments after the DSP begins working, ~~your paycheck will not be released until you complete the required paperwork~~ **MCIL will be unable to process any submitted time sheets.**

## **Pay Deductions and Offsets**

~~The law requires that MCIL make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. MCIL also must deduct Social Security/Medicare taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." MCIL matches the amount of Social Security/Medicare taxes paid by each employee. Pay setoffs are pay deductions taken by MCIL, usually to help pay off a debt or obligation to MCIL or others.~~

~~If you have questions concerning why deductions were made from your paycheck or how they were calculated, Human Resources can assist in answering your questions.~~

The following items will be withheld from paychecks for all regular employees:

- ~~Federal Withholding Tax~~
- ~~FICA/Medicare~~
- ~~State Withholding Tax~~
- ~~Legal wage attachments (Child Support)~~
- ~~Any deductions that apply and are legally mandated~~
- ~~Any insurance premiums or benefit plan amounts that you arrange~~
- ~~Any additional deductions that you request~~

## **Administrative Pay Corrections**

~~MCH takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid promptly on the scheduled payday.~~

~~In the event that there is an error in the amount of pay, you should promptly bring the discrepancy to the attention of Human Resources so that corrections can be made as quickly as possible.~~

## WORKPLACE POLICIES AND PROCEDURES

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### Scheduling

The Consumers DSPs support set the work schedule. Many Consumers will coordinate their own schedules with all DSP's who are working for them. Some consumers will work with the Staffing Specialist to set schedules. Staffing needs and operational demands may require variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. DSPs are expected to be flexible in adjusting to varying work times set by the Consumer, as well as to ensure overtime rules are not violated.

### Overtime

If you are required to work more than 4840 hours per week, you will be paid at a rate of one and a half (1.5) times your regular pay rate for all actual hours worked over 4840 hours, in accordance with federal and state wage and hour restrictions. *However, overtime work is discouraged and must be authorized in advance by MCIL; submission of unauthorized overtime, or failure to work scheduled overtime, may result in suspension or termination of your employment, or no longer being allowed to bill MCIL for hours worked.*

### ~~Life-threatening Illnesses in the Workplace~~

~~Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. MCIL supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, MCIL will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.~~

~~Medical information on individual employees is treated confidentially. MCIL will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.~~

~~Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Executive Director for information and referral to appropriate services and resources.~~

## On The Job Injuries

Metropolitan Center for Independent Living provides worker's compensation insurance for all employees as required by law. Employees who are injured at work or who witness a workplace accident resulting in injury must immediately report the injury to ~~Human Resources~~the PAS Manager.

~~Human Resources will explain worker's compensation benefits to the injured employee. Among the points covered will be an explanation of and eligibility for workers' compensation benefits, the continuation of pay, payment of medical expenses, and his/her return to work in a full or limited capacity.~~

~~Should an employee be out of work on an approved w/c injury with physician's documentation for less than two weeks, the Company will pay the indemnity (lost time wages) rather than the insurance company. Wages will be calculated according to the w/c formula provided by the state. It is always Metropolitan Center for Independent Living's goal to limit all injuries and have employees back to work as soon as possible.~~

~~If an employee does not report back to work upon physician release, it will be considered a voluntary termination.~~

~~**Reporting Injuries:** Any work related injury that is sustained on the job must be reported immediately to Human Resources in an attempt to provide the most effective supports in documenting the incident, obtaining medical treatment if necessary and a smooth transition back to work. Once a "first report of injury" is made, the employee is encouraged to go to the Doctor for evaluation. This evaluation should be documented at the time of visit as a worker's compensation claim; therefore the employee will not be expected to issue payment at the time of evaluation. MCIL will submit the first report of injury to MCIL's Insurer for further evaluation and processing.~~

~~**Return to Work:** It is our goal to safely and promptly return the DSP to work as soon as medically able. It is the responsibility of the DSP to ensure that MCIL has all work-related injury current records and physicians orders on file. MCIL will do their best to make reasonable accommodations to allow for a return to work, be it direct assignment that does not violate current restrictions and/or in-office light-duty. Please note: DSP's will not earn their current hourly wage if assigned to in-office light duty. Under Minnesota's Wage and Hour Standards, MCIL reserves the right to pay employees assigned to in-office work at the current hourly minimum wage rate.~~

~~**Reporting Suspected Worker's Comp Fraud:** Worker's compensation fraud is a punishable crime. Both MCIL and our Insurance carrier have a "zero tolerance" policy for fraud. Offenders will be prosecuted. If you suspect fraud, please immediately contact MCIL. Your report will be investigated and kept confidential.~~

## Hospitalization

MCIL will not receive reimbursement from the State or County for DSP services if a consumer is hospitalized. Therefore, no DSP is permitted to provide supports to the consumer, regardless if they are attending at the hospital (companion care) or the individual's home (i.e. homemaking). If a DSP submits for hours worked during a consumer's hospital stay, MCIL cannot be held liable for compensation of wages for hours worked- regardless of whether or not the consumer asked them to provide the services.

## Over-Use of Hours

The consumer you work for is authorized a set number of hours of DSP supports per year (or in two, six-month increments). If the consumer goes over the allotted authorized hours, those hours worked and submitted by the DSP will be returned to the Consumer for payment. Once MCIL has been made aware that the consumer has run out of hours and the DSP has been paid final "overage hours," we reserve the right to deny payment for any further hours that may be submitted prior to receiving an updated service agreement.

~~MCIL informs consumers on a quarterly basis of the number of hours they have used and have remaining.~~—All efforts are made so that the consumer, DSP and agency experience a continuity of services and supports.

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## TERMINATION OF EMPLOYMENT

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### Suspension

If you are suspended from work because of infractions of rules, missing paperwork, or other similar causes, you may return to work (with the prior permission) as soon as the problem has been corrected. ~~You may also choose to suspend yourself for personal reasons if you intend to return to work in the future; in that case, we ask for at least two weeks written notice to the Consumer and PAS Program Manager.~~ The hours you work before the suspension will still be counted in calculating your eligibility for pay raises and benefits.

### Voluntary Termination

If you elect to terminate your employment with MCIL, we request at least two weeks written resignation notice, which must be given to ~~Human Resources.~~ ~~At the discretion of the company, we may ask you to leave before the expiration of the notice.~~ ~~the PAS Manager.~~ You will be paid for all the hours you actually work, and the effective date of termination will be the last paid day.

## Involuntary Termination

Involuntary termination is termination of employment at the will of the company. MCIL retains the right to discharge or release any employee at any time, with or without cause. MCIL retains the right to disallow any PCA to bill hours worked to MCIL at any time, with or without cause. "Cause" means any act such as a breach of professional ethics, dishonesty, willful negligence, sexual harassment or other unacceptable or illegal behavior that MCIL, in its sole discretion, deems harmful to its business or its consumers.

## Dismissal by Consumer

Because of the Consumer-directed nature of the MCIL program, you may be dismissed for reasons of incompatibility, schedule conflicts, or other causes – or for no stated reason – by a Consumer for whom you are working, ~~but you.~~ Homemakers are still ~~an employee~~employees of MCIL and are ~~not~~ automatically terminated from your employment with MCIL. PCAs are not employees of MCIL, but may request MCIL help find another consumer to work for. MCIL does NOT guarantee we will find another consumer, or be willing to assist you to find another consumer. Unless you are formally dismissed for cause as described above, you must request that your name be put back on the roster of available DSP's if you want to work for another Consumer enrolled in the program. *Please note: HRPAS Management will document any/all interview offers and work assignments that are made to you via phone or in person. HRPAS Management will also follow up with the consumer. All of these notes will be submitted to the Unemployment Hearing Judge in consideration of your case.*

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## ~~Progressive Discipline~~

~~The purpose of this policy is to state MCIL's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.~~

~~MCIL's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.~~

~~Although employment with MCIL is based on mutual consent and both the employee and MCIL have the right to terminate employment at will, with or without cause or advance notice, MCIL may use progressive discipline at its discretion.~~

~~Disciplinary action may call for any of four corrective action steps—verbal warning, written warning, suspension with or without pay, or termination of employment—depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.~~

~~Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a second offense may be followed by a written warning; third offense may lead to a suspension; and, still a fourth offense may then lead to termination of employment.~~

~~MCIL recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.~~

~~Extremely serious infractions may also require that MCIL place an employee on probationary status for up to six months. Under that status, termination may be warranted for any further infractions related or unrelated to the serious infraction that evoked the probationary status.~~

~~While it is impossible to list every type of behavior that may be deemed a serious offense, the EMPLOYEE CONDUCT AND WORK RULES policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.~~

~~By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and MCIL.~~

## SAFETY AND INFECTION CONTROL POLICY

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~~MCIL has established a workplace safety program including specific procedures for the prevention of communicable disease transmission. Providing a safe and healthful work environment is a top priority for MCIL. The Executive Director has responsibility for implementing, administering, monitoring, and evaluating the safety program.~~

~~MCIL informs you about workplace safety and health issues through supervisor-employee meetings, bulletins, enclosures in pay check envelopes and other written communications.—Since you are working in the homes of Consumers, you are expected to respect their safety and security procedures. Your Supervising Nurse and the PAS Program Manager can help you understand safety issues regarding the equipment and techniques you use in providing Personal Assistance, and may be called on for advice or training whenever you need it.~~

If you have any ideas, concerns, or suggestions for improved safety in the workplace, you are encouraged to raise them with the PAS Program Manager or bring them to the attention of the Executive Director. Reports and concerns about workplace safety issues may be made anonymously if you wish, without fear of reprisal.

You are expected to obey safety rules and to exercise caution in all work activities. You must immediately report any unsafe condition to your Consumer, or the PAS Program Manager. If you violate safety standards, create hazardous or dangerous situations, or you fail to report or, (where appropriate) remedy such situations, you may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, you should immediately notify the Human Resources in order to comply with existing laws and to begin worker's compensation insurance benefit procedures.

Consumers or staff with infectious conditions that can affect service programs will be considered individually for program participation or employment on a case-by-case basis in a manner that adheres to policies established by the U.S. Centers for Disease Control and other applicable federal and state laws. MCIL has the right to deny placement or employment if medical information indicates that an employee's infectious disease may be a threat to consumers or co-workers.

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## ~~MANDATORY EMPLOYEE INFORMATION REPORTING~~

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### ~~Immigration Law Compliance~~

~~MCIL is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.~~

~~In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. This information is entered into the US Department of Homeland Security's "E-Verify" System. "E-Verify" will inform the employer of your ability to work within the United States of America. Adverse results may require the attention of DSPs. If further action is required, DSPs may continue to provide DSP supports while completing the necessary paperwork.~~

~~DSP's with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources. You may raise questions or complaints about immigration law compliance without fear of reprisal.~~

#### **Minnesota New Hire Reporting**

~~All employers are required, by law, to report new hires to the Minnesota Department of Human Services. Your name, address, phone number and other personal information (such as social security numbers, date of birth and date of hire) will be entered into the state system within 3 days of your orientation. This site is secured by the Minnesota Department of Human Services.~~

#### **Office of Inspector General (OIG)**

~~By law all DSPs must have their OIG file checked. This check is done electronically during the New Hire Orientation. Your OIG file will inform the agency if you are eligible to work with vulnerable adults.~~

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## EMPLOYEE CONDUCT & WORKPLACE RULES

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You are responsible for appropriate conduct at all times and circumstances, and for cooperating with the Board of Directors, the Executive Director, the PAS Program Manger, the Consumer/supervisor and all other employees in the furtherance of MCIL's mission and the intent of these personnel policies and procedures.

**Accident:** If you are injured on duty or develop an illness, you must immediately report the accident or illness to MCIL.

**Dependency:** You will avoid any conduct that leads to dependency on you by a Consumer, or that discourages self-reliance and responsibility by that Consumer in conducting his or her personal affairs.

**Confidential information:** You are required to maintain the confidentiality of information related to consumers, personnel, and MCIL, as appropriate. Unauthorized release of confidential information will result in disciplinary action.

**Political involvement/Legislative Advocacy:** While MCIL does not prohibit employees from holding public office or supporting political candidates, it is your responsibility to assure that such involvement on your part in no way jeopardizes the tax-exempt status of MCIL with the Internal Revenue Service. Thus, the use of Center facilities, supplies, documents, or name, etc., in the furtherance of any of the above activities, unless permitted by Federal law, is strictly forbidden and is sufficient grounds for disciplinary action. In addition, such activities must be conducted only during your personal time, and you may not participate in the election of any official while acting on official agency time.

**Publicity:** You must secure the permission of the Executive Director prior to the release of any publicity or printed material relating to MCIL or any of its activities.

**Professional Conduct Policy:** It is the policy of MCIL to encourage you to participate in organizations, coalitions, and activities that support the mission and goals of the organization. This includes working to change public attitudes and policies which discriminate against people with disabilities or which create barriers to independence.

To ensure orderly operations and provide the best possible work environment, MCIL expects you to report to work in appropriate mental and physical condition to perform your job in a satisfactory manner.

*It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. All DSP's will receive training on becoming a Mandated Reporter and the Minnesota Vulnerable Adult Act and Maltreatment of Minors Act. The following are only examples of ~~infractions of rules of conduct~~ **gross misconduct** that may result in disciplinary action, up to and including termination of employment or cause a PCA to be disallowed to bill MCIL for worked hours:*

- Theft or inappropriate removal or possession of property
- Falsification of records- See fraud statement-
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned or Consumer-owned vehicles or equipment. Under the Drug-Free Workplace Act, you must notify MCIL of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. (The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner without endangering consumers, co-workers, or other individuals in the workplace.)
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer or consumer-owned property
- Insubordination or other disrespectful conduct

- Violation of safety or health rules
- Inattention to duties, malingering, loitering during work hours, sleeping while at work
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized use of telephones, mail system, or other Employer or Consumer-owned equipment
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct
- Refusal to report to assigned worksite

~~Employment with MCIL is at the mutual consent of MCIL and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.~~

Violations of these policies and rules may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance-abuse rehabilitation or treatment program. Such violations may also have legal consequences.

### Attendance and Punctuality

To maintain a safe and productive work environment, MCIL expects you to be reliable and to be punctual in reporting for scheduled work. Absenteeism and failure to report whereabouts in performance of duties place a burden on the Consumer, on other employees, and on MCIL. In the rare instances when you cannot avoid being late to work or are unable to work as scheduled, you must notify the Consumers you serve as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance, excessive tardiness, and failing to inform the Consumer or the PAS Program Manager of your whereabouts are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

### Chain of support:

If a DSP can't make it on time for a scheduled shift and/or can't come in for a scheduled shift:

- DSP notifies the consumer with as much notice as possible, offers to assist with finding coverage (DSP offers to contact PAS management if consumer is unable to make the call themselves).
- Consumers can utilize natural supports or their personal DSP staff roster and/or call PAS management for additional DSP supports.
- DSP's *cannot* leave a voice message for the consumer or PAS management and assume the shift will be covered. DSP's must speak directly with someone to ensure consumers health and safety needs are met.
- If a DSP is a "no call/no show" for two or more consecutive shifts, it will be assumed and acted upon that the DSP is voluntarily terminating their position with the consumer and MCIL.
- ~~If a DSP is a "no call/show" for any shift with a consumer (or special event assignment) and their absence involves additional PAS Management intervention, they will be placed on an immediate two week unpaid suspension.~~

## Personal Appearance

During working hours, you are expected to present a clean and neat appearance and to dress according to the requirements of your work. If you arrive to work inappropriately dressed, you may be sent home and directed to return to work in proper attire; you will *not* be paid for the time away from work. Since the job site for DSP's is the Consumer's home, the choice of what constitutes "proper attire" is generally the Consumer's decision.

## Smoking

In keeping with MCIL's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace or any community location or event sponsored by MCIL.

This policy applies equally to all employees, consumers, and visitors. Since the job site for DSP's is the Consumer's home, the decision of permitting smoking is solely that of the consumer.

## Visitors in the Workplace

To provide for the safety and security of employees and the facilities at MCIL, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. Children may be brought to work

only with the ~~written~~ consent of the consumer and the consumer reserves the right to decline. MCIL is not liable or responsible for any children or visitors in the workplace. Damage to or loss of property is **not** the responsibility of MCIL.

## Cell Phone Usage

MCIL strongly discourages the use of personal cell phones during a DSP's shift. It is up to the consumer to enforce this policy; however in any event that a DSP is driving a consumer, the DSP may not under any circumstance use a cell phone or text on a cell phone while the vehicle is running.

## Driving on the Job

It is MCIL's policy that DSP's do not drive consumers without this need being clearly outlined in the consumer's Health Care Plan. If this agreement is made between the consumer and DSP, both parties acknowledge that MCIL will not conduct a Driving History on the DSP but will ensure that they have a valid driver's license. It is the responsibility of each party to ensure that current and appropriate liability coverage is in place. Neither party will hold MCIL liable for any losses or damages incurred. DSP's can only bill for hours worked while transporting if the trip is related to the health and safety of the consumer, as defined in the Health Care Plan.

*MCIL PAS does not receive reimbursement from DHS for mileage incurred by DSP's who transport consumers. Therefore, MCIL will not reimburse DSP's for mileage.*

## Traveling on the Job

It is MCIL's policy that DSP's who wish to accompany a Consumer on any trip (whether over-night or not, within the state or through-out the country) must meet with the PAS Manager and HR to discuss trip details, accommodations and pay. A separate contract detailing these guidelines will be created for DSPs/Consumers who wish to travel together.

## Return of Property

You are responsible for all property, materials, or written information issued to you or in your possession or control. You must return all of MCIL's or the Consumer's property immediately upon request or upon termination of employment. Where permitted by applicable laws, MCIL may withhold from your paycheck the cost of any items that you do not return when required. MCIL or the Consumer may also take all appropriate action to recover or protect that property. If you are terminated from a live-in position and do not make arrangements for immediate return of keys and/or cleaning and removal of all private possessions, MCIL reserves the right to deduct any fees related to cleaning, repair of damages and/or replacement of keys/locks from your final hours worked.

## ALLOWABLE SERVICES PER THE STATE OF MN DIRECT SUPPORT PROFESSIONAL PROGRAM

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- Bowel and bladder care.
- Skin care. Examples are exposure to air, use of non-durable medical equipment, and application of lotions, powders, ointments, and treatments such as heat lamp and foot soaks.
- Range of motion exercises.
- Respiratory assistance.
- Transfers.
- Bathing, grooming, and hair washing necessary for personal hygiene.
- Turning and positioning.
- Assistance with medication that is ordinarily self-administered.
- Application and maintenance of prosthetics and orthotics.
- Cleaning equipment.
- Dressing or undressing.
- Assistance with food, nutrition, and diet activities.
- Accompanying a consumer to obtain medical diagnosis or treatment.
- Services provided for the consumer's personal health or safety.
- Helping the consumer to complete daily living skills such as personal and oral hygiene and medication schedules.
- Incidental household services that are an integral part of the services in the above items.
- Accompany a consumer who can direct his/her own care outside of their home, in order to perform the services listed above, as long as the responsible party also accompanies them.

Each Consumer for whom you work will have a Health Care Plan which lists the services and supports needed by that Consumer. The Health Care Plan is developed by the Consumer and includes the estimated time that each task should take and any special instructions or considerations that you should keep in mind while performing those services.

### **In practice, ~~your job~~ PCA work with MCIL does *not* include:**

- Housekeeping or house cleaning, except when the need is caused by one of the services listed above. For example, you are expected to clean the bathroom after helping a Consumer with a shower or other morning activities, but not because other family members have used it.

- Services to other people. For example, you may make lunch for the Consumer, but not for the rest of the family.
- Non-“medically-related” services. You may help fill out medical forms, but you are not expected to help write personal letters to the Consumer’s friends or family.

*Please note: DSP’s may choose to help with tasks that are not on the state’s list as a personal or friendly favor to the Consumer, **but they are not to be included in the time reported on timesheets.***

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## HARASSMENT POLICY

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Any employee who engages in harassment on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, membership or activity in a local commission, veteran status or any other characteristic protected by law; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to appropriate sanctions, which may include suspension without pay and or discharge.

Any unwelcome sexual advance, request for sexual favor or other verbal or physical conduct of a sexual nature, whether by a co-worker, supervisor, or consumer, constitutes sexual harassment when:

- Submission to such conduct is made, whether explicitly or implicitly, a term or condition of employment;
- Submission to or rejection of such conduct is used as a factor in any employment decision affecting any individual; or
- Such conduct has the purpose or effect of unreasonably interfering with any employee's work performance or creating an intimidating, hostile or offensive working environment.

If you believe you have been the victim of any kind of work-related harassment, MCIL will investigate and attempt to resolve your complaint promptly:

- Discuss the matter with the PAS Program Manager.
- If you believe the PAS Program Manager to be the source of or a party to the harassment, talk with the HR.
- If the problems remain unresolved, follow the formal Grievance Procedure at the end of this guidebook.

## DRUG AND ALCOHOL USE POLICY

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It is ~~MCH's desire~~MCIL's intent to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

While on ~~MCH~~MCIL's premises and while conducting business-related activities off ~~MCH~~MCIL's premises, no employee may use, ~~possess~~posses, distribute, sell, or be under the influence of alcohol or illegal drugs. ~~The legal use of prescribed drugs is permitted on the job~~ only if it provided their use does not impair ~~an employee's~~the employee's ability to perform the essential functions of ~~the~~their job effectively and in a safe manner that does not endanger ~~other individuals~~themselves or others in the workplace.

~~Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.~~

~~To inform employees about important provisions of this policy, MCIL has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.~~

~~Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with HR to receive assistance or referrals to appropriate resources in the community.~~

~~Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take medical leave to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all MCIL policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause MCIL any undue hardship.~~

~~Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify MCIL of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.~~

~~Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with HR without fear of reprisal.~~

## SOLICITATION POLICY

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In an effort to ensure a productive and harmonious work environment, persons not employed by MCIL may not solicit or distribute literature in the workplace at any time for any purpose.

MCIL recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

Examples of impermissible forms of solicitation include:

- The sale of goods, services, or subscriptions outside the scope of official organization business
- The posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for employee announcements & job openings.

If employees have a message of interest to the workplace, they may submit it to the Executive Director for approval.

## DISPUTE RESOLUTION POLICY

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If a dispute or disagreement arises between a Consumer and a DSP, it is our hope that it will be addressed and discussed as soon as possible, and that it can be resolved between them, or that it can be resolved with the help of MCIL's PAS Program Manager.

***If you believe that a condition of employment or a decision affecting you is unjust or unfair, you are encouraged to follow this grievance procedure. You may discontinue the procedure at any step.***

1. Send a written statement to the ~~Executive Director~~PAS Manager, thoroughly explaining the disagreement and efforts to resolve it, and include copies of any relevant documentation.
2. If the dispute is with the ~~Executive Director~~PAS Manager, the statement should be sent to the ~~Chair of the Executive Committee, as specified in Step 4~~Director

3. If the dispute is with the executive director, then the statement should be sent to the board chair.

2.4. A meeting will be scheduled between the parties and the PAS Manager within five working days of receipt of the written statement. This meeting will be for the purpose of hearing from both parties and working to resolve the disagreement.

3.5. If no resolution is reached in Step 4, the parties may present a written statement to the Chair of the Executive Committee of the Board of Directors. This statement should explain the original disagreement; efforts that have been made to resolve it, and reasons why it remains unresolved. The Executive Director will also prepare a written report. The Executive Committee will meet with the parties at the earliest possible time, but not later than two weeks after receipt of the statement.

4.6. The Executive Committee will review the situation and provide the parties with the opportunity to be heard regarding the disagreement. The Executive Committee, with the parties, will work to resolve the disagreement.

5.7. If the Executive Committee is unable to adequately or satisfactorily come to a resolution, the Board of Directors will consider the matter at its next scheduled meeting. The decision of the Board of Directors will be the final decision of MCIL.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. The confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

# EMPLOYEE GUIDEBOOK

## ACKNOWLEDGMENT FORM

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By signing below, I acknowledge that I have received a copy of MCIL's Employee Guidebook (either through the consumer that I work for, or directly from the PAS Program). I have also been informed that the Guidebook is available on-line at **www.mcil-mn.org**, under the **Personal Assistant Services** program link. It is my responsibility to read, understand and follow the policies and procedures set forth in this guidebook.

The employee guidebook describes important information about MCIL, and I understand that I should consult both the consumer and the Human Resources Department regarding any questions not answered in the guidebook.

I have entered into my employment relationship with MCIL voluntarily and acknowledge that there is no specified length of employment. Accordingly, either MCIL or I can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the guidebook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I agree to keep this book in my possession during my employment and to update it whenever provided with materials to do so. Furthermore, I acknowledge that this guidebook is neither a contract of employment nor a legal document.

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Employee Name (Print)

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Date

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Employee' Signature

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Date