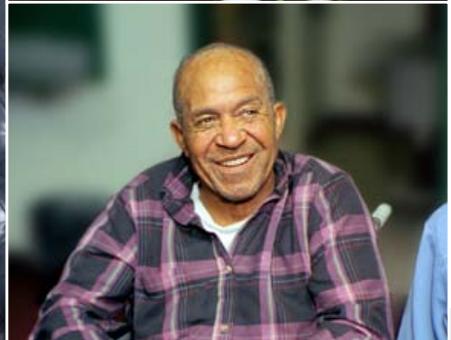


Consumer

Directed Services Option



Employer Manual

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I. Overview of the CDS Option

This manual is designed to help people who choose to use the Consumer Directed Services (CDS) Option to manage their services. If you choose the CDS Option, you will:

- find, screen, hire and if necessary, fire your direct-service employees;
- train and supervise your direct-service employees, and
- set the pay and benefits you will offer employees within the limits established by the state.

But you will not be alone in all this. One of your first decisions will be to pick a Consumer Directed Services Agency (CDSA). This agency will act as your bookkeeper and banker, taking care of payroll and the government forms that all employers must deal with. The agency works with you on your budget, but does not control it. Your CDSA works for you. You decide how the money in your service plan is spent on salary and benefits for your employee(s) within the guidelines established by the program in which you are enrolled. Neither your financial eligibility for services nor your personal income tax liability will be changed by participation in the CDS option.

You also have the right to name a designated representative (DR) to assist you with the employer duties. The DR is not your employee, and is not paid; a DR is a willing adult you choose to provide you with help when you need it.

Some programs with the CDS option also allow you to budget for and pay a Support Advisor (SA). This person helps you or your designated representative (if you wish) with training and advice when you need it.

Depending on your program, you will have a service planning team. This is a group of people, including you or your representative, who work together to develop your service plan. This team is also called the interdisciplinary team.

Some things do not change. You will remain in the program that provides you with your services. Find your program in the table below to see what services are available to you through the CDS Option.

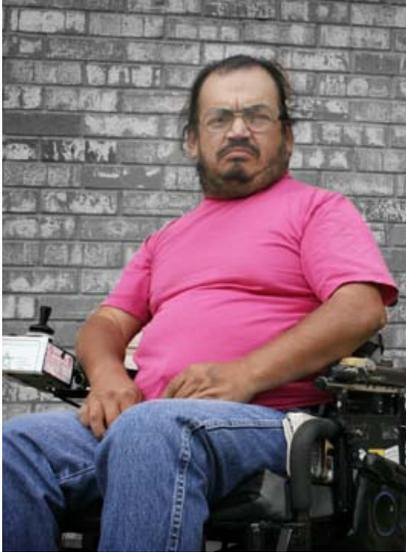
Program	Services that can be self-directed through the CDS Option
Community Based Alternatives (CBA)	Personal Assistance Services (PAS), respite, nursing, physical therapy, occupational therapy, speech and hearing therapy
Community Living Assistance and Support Services (CLASS)	Respite, habilitation
Deaf Blind with Multiple Disabilities (DBMD)	Respite, habilitation, intervenor
Medically Dependent Children Program (MDCP)	Respite, adjunct support services delivered by an attendant or a nurse
Primary Home Care	Personal Assistance Services (PAS)
Community Attendant Services (CAS)	Personal Assistance Services (PAS)
Family Care	Personal Assistance Services (PAS)
Consumer Managed Personal Assistance Services (CMPAS)	Personal Assistance Services (PAS)
Home and Community Based Services (HCS)	Respite, supported home living, and support consultation
Texas Home Living (TxHmL)	All services and support consultation

As the CDS employer, you will need to understand both the CDS rules and the rules for your specific program.

You can find the rules for the CDS Option in the Texas Administrative Code, Chapter 41. You can look up these rules on the Internet. Look at the end of this manual for the link to view these rules. Your case manager or the service coordinator of your individual program can help you get a copy of these rules. The rules tell you who can be an employer in CDS, what you as a CDS employer must do, what your chosen Consumer Directed Services Agency will do for you, what your case manager/service coordinator will do for you, and what a Support Advisor can do to help if you choose to have one.

Just remember that CDS is about having more control over how services are delivered. You and your case manager/service coordinator will still follow the rules that apply for your individual program. These rules will tell you who can be hired, how to develop a service plan, what costs are allowed and your spending limits in different areas.

Overview of the CDS Option



Roles and responsibilities under the CDS Option

The CDS option is a partnership. You work with others so you can have more control and choice on your services.

This partnership consists of:

- the employer – either you or your Designated Representative (DR);
- the Consumer Directed Services Agency (CDSA);
- a Support Advisor (optional, and not available in all programs);
- a Case Manager or Service Coordinator; and
- a Service Planning Team (also called the Interdisciplinary Team).

The most important partner is you, the **employer**.

The **employer** will be the person receiving services through a Medicaid program and a service plan. This person must be at least 18 years old and may NOT have a legal guardian.

If the person receiving services is a minor, then the employer may be the parent or the legal representative.

If the person receiving services – regardless of age – has a court-appointed legal guardian, then the legal guardian, called the Legally Authorized Representative (LAR), will be the employer.

Any of these employers may choose a DR to help. This is a voluntary, unpaid role, and the DR must pass a criminal background check just like any employee you might hire. The DR can take on as much or as little of the employer's responsibilities as the employer wishes.

What do you, the employer, or your DR do?

The employer or DR must:

- choose a CDSA and participate in a CDS orientation;
- hire a Support Advisor (if you want to use one and if a Support Advisor is a part of your program);
- write and put in place a service backup plan for each critical service as identified by the service planning team;
- conduct criminal history checks and other required registry checks for people you may hire or use for services, **OR** ask the CDSA to conduct

- the checks for you;
- find, hire, train, manage, and fire employees and other service providers;
- set wages and benefits for employees within funds allocated for services delivered through the CDS option;
- keep track of how funds for each service are spent on wages and benefits for employees;
- decide how well your workers do their job;
- send your completed CDSA time sheets, service delivery logs, service delivery invoices and receipts for payment to employee(s) and service providers and for employer-related expenses;
- keep records of service delivery, including service logs, and personnel files;
- resolve employee and service provider concerns and complaints;
- complete and put in place a plan to correct problems, if asked;
- follow program rules and the service plan;
- make sure employees get any required training .

What Does the Consumer Directed Services Agency do?

The CDSA will help to plan the budget for your services, handle payroll and make payments to your employees. Your CDSA is your employer agent, which is the Internal Revenue Service (IRS) name for a CDSA. The CDSA will not have access to any of your personal IRS or tax information.

The CDSA will:

- register as your employer-agent with the IRS and Texas Workforce Commission (TWC);
- help, as needed, with your budget and approve the budget before services can begin;
- conduct criminal background and registry checks, if you ask them to;
- check potential employee credentials, such as a driver's license or a CPR certification;
- take care of your payroll, including timesheets, required withholdings, and pay employees;

Overview of the CDS Option



- collect and process invoices and receipts for payment;
- keep records of all expenses and reimbursements; and
- provide written summaries and budget balances of payroll and other expenses at least quarterly to the employer and service coordinator/case manager.

What does the Support Advisor do?

In some programs, support consultation is a service you or your service planning team may choose. This service is provided by a Support Advisor who has been trained to help you meet your responsibilities under the CDS option. Support Advisors do not duplicate services provided by the case manager or the CDSA, and are paid out of your budget. How much help the Support Advisor will give and for how long will depend on your needs.

The Support Advisor may help you to:

- find and hire workers;
- fill out forms needed to hire a worker, retain a contractor or vendor, and manage service providers;
- work out service agreements, including wages, hours and costs;
- build your skills as an employer, including effective communication, decision making, and problem solving;
- find information, resources and other help;
- talk to other partners, such as the case manager/service coordinator or your CDSA;
- be more involved in service planning team meetings at your request; and
- meet the rules in the CDS option and your service plan.

What does the Case Manager/Service Coordinator do?

Even though you have chosen CDS, your case manager/service coordinator remains the person you go to for services.

Your case manager/service coordinator will:

- provide general oversight of all the partners for your CDS services, including your CDSA and Support Advisor;

- check in with you to see how things are going;
- be available to you for any discussion or needs regarding your service plan;
- talk to your CDSA about any changes in service plans or need for corrections;
- do any paperwork needed to change your plan.

What does the Service Planning Team do?

The Service Planning Team is a group of people who meet to talk about your needs. Some DADS programs refer to the service planning team as an interdisciplinary team (IDT). The employer – either you or your designated representative – is a member of the service planning team. In the CDS option, the service planning team will:

- decide what services you will get;
- decide when services will start and end;
- write the service plan (the service plan may also be called the Individual Plan of Care, Individual Service Plan or the Person Directed Plan);
- decide with you what critical services are needed in the backup plan;
- approve service backup plans;
- work on and approve corrective action plans if problems arise; and
- approve switching from the CDS option, when necessary.

It's your choice

Participation in the CDS Option is your choice. You are free to return to the traditional agency for delivery of services at any time. If you want to switch, you will need to contact your case manager or service coordinator. If you return to the traditional agency, you must remain with the agency for at least 90 days before you can return to the CDS Option.

You may also elect to transfer to another CDSA at any time. If you want to change your CDSA, let your case manager know. He or she will give you a list of other CDSAs to choose from.



II. Getting started on the CDS Option

After your case manager or service coordinator has discussed how some or all of your services can be delivered through the CDS option, you can decide if this choice is right for you. If you want to go forward, the first step is to choose your CDSA. Then the CDSA will contact you to get you started. As you will see, there are many details to go over and forms to fill out, but the CDSAs will be there to work through all of this with you.

Your first meeting with your CDSA

Your CDSA will set up a meeting with you in your home; this is called the orientation meeting. At this meeting, your CDSA will go over some important forms. You will need to sign some of these forms and send them in after your meeting. Ask questions. Your CDSA will take the time to explain.

Here is what the CDSA will cover with you or your designated representative.

At the orientation, you will be asked to review and sign a service agreement with your CDSA (**Form 1735, Employer and Consumer Directed Services Agency Service Agreement**). This agreement lists your responsibilities and those of the CDSA. When you sign this form, you or your legally authorized representative agree:

- to set up a budget with the help of your CDSA based on your service plan for each service delivered through CDS;
- to stick to the budget and any changes made to the budget;
- to let the CDSA act as the employer's agent for administrative and fiscal (financial, payroll) services;
- to tell the CDSA as soon as possible of any change that might affect you and your program. This could be a change in your legal status or a financial change that might affect your program eligibility;
- to follow all applicable DADS rules, policies and procedures;
- to tell the program case manager or service coordinator of each hospitalization and admission into an institution and any change of telephone number, address or residency within 24 hours;
- to make sure that program services and CDS are not used while you are in a hospital or living in an institution, out of state, or no longer

- eligible for the services of your program;
- to follow all employer and employment-related local, state and federal laws. As the employer, you agree to be responsible under these laws even when you have chosen a designated representative;
 - to be an effective employer by:
 - finding, selecting and hiring employees or service providers in sufficient numbers to meet your needs;
 - having a sufficient number of employees or having other means of providing backup services in the absence of an employee or service provider;
 - avoiding the use of overtime that results in budget reductions;
 - managing the risk of employee work-related injury/injuries or work-related illnesses.
 - agreeing that neither DADS nor the CDSA have or share any employment-related liability;
 - checking with the CDSA about an applicant's qualifications before offering anyone a job or a service provider a position; or allowing delivery of any services to you through CDS;
 - quitting CDS if you are not able or willing to stick to the program, CDS and/or employer-related rules and regulations.

*Remember: the CDSA must verify applicant or service provider qualifications **before** you extend the applicant or service provider a position or allow delivery of any services through CDS*

Your CDSA agrees to:

- provide ongoing training and help to you as the employer. If support consultation is available in your program, your Support Advisor may provide employer-related training;
- assist the employer to develop a budget for each service approved to be delivered through CDS and to approve the budget when calculations are validated;
- review applicants for employment and service providers, and tell you if they can be hired before you get services from them;
- not pay any person or service provider not qualified to deliver the program service;
- not pay for any services delivered while the consumer was not eligible for services through his program or CDS;
- take care of administrative and fiscal services with required federal

What is an employer-agent?

Under the Vendor Fiscal/ Employer Agent (F/EA) model, a private or public vendor, entity or authority may apply for and be approved by the IRS (under section 3504 of the IRS Code and IRS Rev. Proc. 70-6) to act as an employer agent on behalf of individuals.

The Vendor F/EA model provides people with a high level of choice and control while ensuring state programs fiscal accountability and reducing some of the fiscal burden for participants and their representatives (e.g., payroll and bill payment).

Vendor F/EA can perform the “bank,” payroll and bill payment functions for participants without being considered the common law employer of their support workers.

and state agencies;

- follow federal, state and local laws and regulations related to employer-agent and employer-representative responsibilities;
- let you know of changes to laws and regulations that affect you as an employer;
- keep an ongoing account balance of all transactions; and
- give you budget reports at least every three months.

Form 1720, Appointment of a Designated Representative: Now that you have signed your agreement with your CDSA, you will decide if you want to have a Designated Representative (DR). If you want to pick someone to be your DR, you need to complete Form 1720. On this form you will indicate which employer tasks you want your DR to help you with. Remember, the DR is a voluntary position and will not be paid. The DR must be at least 18 years old and must pass a background check. Your CDSA will confirm this. The DR cannot be the employee, the spouse of an employee or provide any other Medicaid service to you. You may give this form to your CDSA at the orientation or fax or telephone your CDSA within two working days after the appointment of the DR.

Form 1726, Relationship Definitions in Consumer Directed Services: This form explains who can and who cannot be the employee under the CDS option.

In no case can you as the employer be a service provider. Also, your DR, your DR’s wife or husband, or a parent or guardian cannot be a hired worker for you. In some cases, other relatives, or even people who live with you, may not be hired. You may sign this form at the orientation or send it to your CDSA within five calendar days of the orientation.

CDSA registration as your employer-agent: The CDSA will ask you for information needed to register as your employer-agent. You need to give this information to the CDSA within five days as your agent with the Internal Revenue Service, the Texas Workforce Commission, and other government agencies as applicable. This is what allows the CDSA to take care of some employer duties like payroll and withholding without being the actual employer of your workers.

Form 1738, Rules Acknowledgement: You will sign this form at the orientation. This says that you know that the CDS option has rules that must be followed along with the rules of your specific service program. If

you have a DR, the DR is given a copy.

Form 1736, Documentation of Employer Orientation: You will sign this form upon conclusion of the orientation. It simply says that you have received your orientation from your CDSA.

Developing your CDS budget

At your orientation meeting, your CDSA will explain the CDS budget. Remember that CDS is a way to deliver services in your program and not a program of actual services. The way your budget is developed will depend on your program. DADS gives you a program-specific budget workbook for you to develop your budget.

To find the budget workbook for your specific programs, go to www.dads.state.tx.us/providers/CDS/handbook.html.

Ask your CDSA to help. The CDSA must approve your budget before you can hire anyone and start the CDS Option. Your CDS budget is based on your authorized service plan. The amount of money you can spend for each service is determined by multiplying the number of hours of that service allowed in your service plan by the CDS rate for that service as determined by the Texas Health and Human Service Commission (HHSC).

Here are some questions to ask yourself about budget:

- Do I need any of the approved supports to be the employer? For example, do I need a fax machine?
- How much do I want to pay my employees? (In CDS, you can pay your employees a higher wage than they might receive from an agency.)
- Do I want to offer vacation or sick days?
- Do I want to offer a bonus? When? At the holidays? After six months of employment?
- The budgets are in Excel format. As an example, we will use the budget workbook for the Community Based Alternatives (CBA) program to walk you through the development of your budget.

Getting started on the CDS Option

Consumer information and approval (on the first page)

You fill in the information for each blue box.

Must match service plan effective dates.

Community Based Alternatives
Consumer Directed Services Budget
Consumer Information & Budget Approval

Consumer Name: _____

Consumer Medicaid Number: _____

Consumer's Address: _____

Consumer's City, State, Zip Code: _____

Consumer's Telephone Number: _____

Region: _____

Does the Consumer Have a Designated Representative (DR) or Legally Authorized Representative (LAR)? _____

LAR's Name: _____

DR's Name: _____

Effective / Coverage Period (This does not guarantee eligibility for the entire period): _____

Budget Calculations are: VALID

CERTIFICATION: By signature below I acknowledge that all calculations must fall within the allowable budget, and that all budget calculations are VALID, as indicated above. I acknowledge these budget calculations are not exact, and may need adjustment throughout the budget period. I also acknowledge receipt of a copy of the CDS Budget. I agree to remain within the boundaries of the budget set forth. I understand that failure to follow this budget may result in removal from the CDS Option and I accept personal liability for expenses that may be incurred due to my failure to follow the budget or program requirements. The budget does not imply eligibility for the entire budget period.

Employer (Consumer or Legally Authorized Representative) Date _____

Designated Responsible Party (If Applicable) Date _____

CDS Agency Representative Date _____

After you have completed all pages of the budget workbook, check back here to see if your budget is valid for CDSA approval.

Two

Getting started on the CDS Option

Important: It is from these CDS rates that you allocate employer expenses and determine the actual wage rate and benefits that you will pay your service provider. The CDSA monthly fee has already been deducted from this rate.

Notes, Page 2. This page is for you to document things you might want to remember about your budget.

Authorized units and budget, Page 3. This page allows you to enter the number of hours you are allowed for each service you are using through the CDS option. The hours (or units) you enter MUST match the units allowed for that particular service in your service plan. The CDS rates for each service have already been entered on each budget workbook. The purpose of this page is to let you see your total CDS budget. All of the budget allocations on the remaining pages of the workbook are based on this page.

This amount must match the amount in your authorized service plan

Community Based Alternatives

Consumer Directed Services Budget

Authorized Units and Budget Calculations

Consumer Name: _____

Medicaid Number: _____

Coverage Period From: 1/0/1900 to 1/0/1900

Total Annual CDS Budget: \$0.00

Service	Personal Assistance Services
Weekly Authorized PAS Hours	
Annual Authorized PAS Hours	0
Rate	\$10.06
Total PAS Dollars	\$0.00

Service	In-Home Respite
Units of In-Home Respite Utilized	
Rate	\$214.60
Total In-Home Respite Dollars	\$0.00

Out of Home Respite	
Service	Adult Foster Care
	Select AFC Level
Units of Out-of-Home Respite Utilized	
Rate	\$0.00
Total Out-of-Home Respite Dollars	\$0.00
Service	AL/Single Occupancy Apt
Units of Out-of-Home Respite Utilized	
Rate	\$48.47
Total Out-of-Home Respite Dollars	\$0.00
Service	AL/Double Occupancy Apt
Units of Out-of-Home Respite Utilized	
Rate	\$39.35
Total Out-of-Home Respite Dollars	\$0.00
Service	Residential Care Non-Apt
Units of Out-of-Home Respite Utilized	

Employer support services costs and non-taxable benefits (Page 4)

The top part of this page allows the employer to allocate up to \$600 for employer support services costs. An employer or DR may budget allowable, necessary, and reasonable **employment-related** services, goods, or items, including:

- recruiting expenses;
- criminal history checks from the Texas Department of Public Safety;
- acquiring other background checks of a potential service provider;
- purchased employee job-specific training;
- cardiopulmonary resuscitation training;
- first aid training;
- Hepatitis B vaccination (if elected by an employee);
- supplies required for an employee or service provider to perform a task, if not available through the person's program or other source and the purchase is allowable through the person's program;
- non-taxable employee benefits; and
- services, goods, and items specifically approved by the person's program as an employer support service or included in Appendix XI, Allowable and Non-Allowable Expenditures, in the Consumer Directed Services Handbook available at www.dads.state.tx.us/handbooks/CDS/appendix/XI/index.htm.

An employer or DR may budget **employer-related** services, goods, or items required to meet employer responsibilities, including:

- basic office equipment, which may include a basic fax machine for the purpose of submitting documents to the CDSA;
- mailing costs;
- expenses related to making copies;
- file folders and envelopes; and
- services, goods, and items specifically approved by the person's program as an employer support service or included in Appendix XI, Allowable and Non-Allowable Expenditures.

Two

Getting started on the CDS Option

This figure should match the total from page 3.

The budget workbook has internal edits that let you know if you have gone over the limits.

Community Based Alternatives		
Consumer Directed Services Budget		
Employer Support Services, Out-of-Home Respite Costs, & Non-Taxable Costs		
0	Consumer Name	0 Medicaid Number
Coverage Period From: 1/0/1900 To: 1/0/1900		
Total Annual CDS Budget:		\$0.00
Estimated Employer Support Services Costs		
Maximum Amount Available for Employer Support Services Costs:		\$0.00
	Amount:	Comments:
Advertising		
Equipment & Supplies		
Copies & Mailing		
Criminal History Check		
Other - Specify		
Other - Specify		
Total Estimated Employer Support Services Costs:		\$0.00
Out-of-Home Respite Costs		
<i>Adult Foster Care</i>		
Number of Units Used		
Rate Negotiated with Out-of-Home Respite Provider		
Total AFC OHR Costs:		\$0.00
<i>AL/Single Occupancy Apartment</i>		
Number of Units Used		
Rate Negotiated with Out-of-Home Respite Provider		
Total AL/Single Occupancy Apartment OHR Costs:		\$0.00
<i>AL/Double Occupancy Apartment</i>		
Number of Units Used		
Rate Negotiated with Out-of-Home Respite Provider		
Total AL/Double Occupancy Apartment OHR Costs:		\$0.00
<i>Residential Care Non-Apartment</i>		
Number of Units Used		
Rate Negotiated with Out-of-Home Respite Provider		
Total Residential Care Non-Apartment OHR Costs:		\$0.00
<i>Nursing Facility</i>		
Number of Units Used		
Rate Negotiated with Out-of-Home Respite Provider		
Total Nursing Facility OHR Costs:		\$0.00
Total Out-of-Home Respite Costs:		\$0.00
Non-Taxable Employee Compensation Costs		
Amount Available for Employee Compensation Costs:		\$0.00
	Amount:	Comments:
Health Insurance Premium(s)		
Worker's comp or liability insurance		
Other - Specify		
Other - Specify		
Total Estimated Non-Taxable Compensation Costs:		\$0.00
Funds Available for Taxable Compensation Costs		\$0.00

Getting started on the CDS Option

Taxable wage and compensation (Page 5). Your next step will be to determine the wages you will pay **each of your service providers** and any benefits you want to include, such as bonuses, paid holidays, or paid sick days. A good rule of thumb for determining each service provider's wage is that 90 percent of the total CDS rate (see p.2 of the budget) must be spent on service provider compensation. Before you can pay a bonus, holiday or sick days, funds must be accrued in your budget to cover these expenses.

What this means is that, if you don't spend your entire budget each month, you could save enough money to pay your employees a bonus, a paid holiday, vacation days, or sick days.

This amount should show that the non-taxable employer support services have been subtracted.

If you have respite providers who work only certain times of the year, put those dates here.

Community Based Alternatives
Consumer Directed Services Budget

Taxable Wage and Compensation Costs

Consumer Name: 0 Medicaid Number: 0

Coverage Period From: 1/0/1900 To: 1/0/1900

Available Amounts			
Total Available for Taxable Compensation:	\$0.00	Dollars Needed to Meet Minimum Compensation:	\$0.00
Total Taxable Compensation:	\$0.00	Dollars Left in Budget:	\$0.00

Taxable Wage and Compensation Validation			
Do the Total Employee Compensation Costs Fall Within the Required Parameters for Employee Compensation?		Above Minimum Amount for Employee Compensation Costs?	Yes
		Within Total Budget for Consumer?	Yes

Employee Hours, Pay Rates and Other Compensation							
Employee Name	Begin Date	End Date	Weeks Employed	S.U.T.A. Rate	Total Annual Wages	Annual Taxes	Annual Total
			1.00		#DIV/0!	#DIV/0!	#DIV/0!
Hourly Pay							
			Hours per Week	Pay Rate	Weeks	OT Pay Rate	Wages
					1.00		\$0.00
				IHR	1.00		\$0.00
				Nursing RN	1.00		\$0.00
				Nursing LVN	1.00		\$0.00
				Occupational Therapy	1.00		\$0.00
				Physical Therapy	1.00		\$0.00
				Speech Pathology	1.00		\$0.00
				Specialized Nursing RN	1.00		\$0.00
				Specialized Nursing LVN	1.00		\$0.00
				Overtime	1.00	#DIV/0!	#DIV/0!
NOTE - The consumer must not develop a regular employee schedule that contains fewer than or more than the weekly authorized units.							
Other Compensation							
	Amount	Number of Payments	Wages				
			\$0.00				
			\$0.00				
			\$0.00				
			\$0.00				
			\$0.00				
			\$0.00				

Employee Name	Begin Date	End Date	Weeks Employed	S.U.T.A. Rate	Total Annual Wages	Annual Taxes	Annual Total
			1.00		#DIV/0!	#DIV/0!	#DIV/0!
Hourly Pay							
			Hours per Week	Pay Rate	Weeks	OT Pay Rate	Wages
					1.00		\$0.00
				PAS	1.00		\$0.00
				IHR	1.00		\$0.00
				Nursing RN	1.00		\$0.00
				Nursing LVN	1.00		\$0.00
				Occupational Therapy	1.00		\$0.00
				Physical Therapy	1.00		\$0.00
				Speech Pathology	1.00		\$0.00

Getting started on the CDS Option



After you have finished deciding the wage rate and benefits for each of your service providers, your total in the top right-hand corner should be near zero. It is very important that you allocate your entire budget at the beginning of the service year.

Check the first page of the budget to make sure that it says VALID. Your CDSA must approve your budget. Your CDSA keeps one copy of your budget and you keep a copy.

When the absence of your regular provider would place your health and/or welfare in jeopardy, you must develop a back up plan for that service.

Service backup plans

If requested by your case manager, service coordinator or service planning team, you or your DR must develop a backup plan that:

- ensures the services continue when your regular service provider is not available to deliver the service, or in an emergency;
- may include the use of paid service providers, unpaid service providers such as family members, friends, or non-program services;
- may include the use of respite, if included in the person's authorized service plan.

Informal supports are people involved in a person's life who are not necessarily connected with a human services agency, and are not "formal," paid service providers.

Some examples of informal supports that may be available to you are:

- Relatives
- Friends
- Neighbors
- People who go to your church
- People in your clubs or organizations
- Employees of grocery stores, libraries, delivery people, etc. with whom you have a relationship

Your service planning team must approve each service backup plan and any revisions to plans before they are used by you or your DR.

You must revise a service backup plan if:

- you experience a problem when using a service backup plan;
- some people are no longer able to be in your backup plan; or
- you change your budget for money to be used in your backup plan.

You may ask your case manager or support advisor for help in developing your backup plan, but you must complete your backup plan and give it to your case manager for approval. Also, make sure that your CDSA has a copy of the approved backup plans.

Here are some sample backup plans:

Consumer Directed Services
Service Backup Plan

Name of Individual	Program	Service*
Susie Sailboat	Home and Community-Based Svcs (HCS)	Respite
Employer	Designated Representative (if applicable)	Support Advisor (if applicable)
Sheila Sailboat (Susie's mom and legal guardian)	N/A	N/A

* A service backup plan is required for each program service delivered through the CDS Option that the service planning team has determined to be critical to the health and welfare of the individual. The service backup plan must be reviewed by the service planning team at least annually.

Type of Service Backup Plan	Date of Service Planning Team Meeting	Effective Plan of Service Backup Plan
<input checked="" type="checkbox"/> Initial Backup Plan <input type="checkbox"/> Revision to Backup Plan	01-21-2007	02-15-2007

Reason(s) a Service Backup Plan is required for this service:

1. It is unsafe for Susie to be home alone at any time.
2. Susie has an unsteady gait. She requires stand-by assistance during ambulation to reduce her risk of falls.
3. Susie has a history of attempting to leave her home without supervision. She does not have traffic safety skills and does not know her way around the community.

	Backup Plan Strategies and Sequence	Specific Action(s) to be Taken in Absence of Service Delivery	Resource Person, Area Code and Telephone Number
1.	Arrange for Aunt Mary to provide in-home respite for Susie in Mom's absence. (informal service)	Susie's Mom* will call Aunt Mary to make plans for respite while Mom is out.	Aunt Mary Marble 555-1212
2.	Arrange for Mrs. Jones, Susie's neighbor and friend, to provide in-home respite for Susie in Mom's absence. (informal service)	Susie's Mom* will call Mrs. Jones to make plans for respite while Mom is out.	Mrs. Jones 666-3434
3.	Arrange for Barbara Benefit, a friend and fellow church member of Susie's, to provide in-home respite for Susie in Mom's absence. (back-up respite provider)	Susie's Mom* will make arrangements with Barbara to work the scheduled shift.	Barbara Benefit 777-5656
4.	Arrange for ABC Respite Facility to provide out-of-home respite during Susie's Mom's absence. (back-up respite provider)	Susie's Mom* will contact ABC Respite Facility to arrange Susie's stay. *In the event of an emergency rendering Sheila Sailboat unable to take these actions, Mary Marble will make back-up arrangements on the employer's behalf.	ABC Respite Facility Primary contact person: Debbie DoRight 888-7878
5.			
6.			

Plan Approval:

Employer Signature	Date	Service Planning Team Member Signature (as applicable)	Date
Designated Representative Signature (if applicable)	Date	Service Planning Team Member Signature (as applicable)	Date
CDSA Representative Signature	Date	Service Planning Team Member Signature (as applicable)	Date
Case Manager/Service Coordinator Signature	Date	Service Planning Team Member Signature (as applicable)	Date

Consumer Directed Services
Service Backup Plan

Name of Individual	Program	Service*
Joe Bee	Primary Home Care	Personal Attendant Services
Employer	Designated Representative (if applicable)	Support Advisor (if applicable)
Joe Bee	N/A	John Q. Public

* A service backup plan is required for each program service delivered through the CDS option that the service planning team has determined to be critical to the health and welfare of the individual. The service backup plan must be reviewed by the service planning team at least annually.

Type of Service Backup Plan	Date of Service Planning Team Meeting	Effective Plan of Service Backup Plan
<input type="checkbox"/> Initial Backup Plan <input checked="" type="checkbox"/> Revision to Backup Plan	02-01-07	02-07-07

Reason(s) a Service Backup Plan is required for this service:

1. Toileting-unable to be without attendant services for more than 4 hrs to ensure health and safety.
2. Meal preparation-unable to be without attendant services for more than 4 hrs; risk to health and safety.
3. Transfer-unable to be without attendant services for more than 4 hours to ensure health and safety.

	Backup Plan Strategies and Sequence	Specific Action(s) to be Taken in Absence of Service Delivery	Resource Person, Area Code and Telephone Number
1.	Arrange for cousin, Jamie Jolly, to assist with tasks of daily living in the event paid attendant is unable to provide services. (informal support)	Joe will call Ms. Jolly to arrange for assistance with tasks of daily living.	Ms. Jolly, cousin 123-4567
2.	Have neighbor, Mrs. Adams, perform tasks in absence of scheduled attendant. (back-up attendant)	Joe will call Mrs. Adams to arrange for her to provide services when regular attendant is not available.	Mrs. Adams 765-4321
3.	Arrange for Pastor Parks, from Church, to assist with tasks of daily living. (informal support)	Joe will call Pastor Parks to arrange for assistance with tasks of daily living.	Pastor Parks 999-3333
4.			
5.			
6.			

Plan Approval:

Employer Signature	Date	Service Planning Team Member Signature (as applicable)	Date
Designated Representative Signature (if applicable)	Date	Service Planning Team Member Signature (as applicable)	Date
CDSA Representative Signature	Date	Service Planning Team Member Signature (as applicable)	Date
Case Manager/Service Coordinator Signature	Date	Service Planning Team Member Signature (as applicable)	Date



III. Being an employer

How to look for people to work for you

There are many ways to find people who want to work for you and who can do a good job. Do not discount any possibility. Below are some suggestions for finding prospective employees.

1. Newspaper advertisements

Classified ads in newspapers are a good way to reach many people. Neighborhood newspapers are cheaper than major citywide newspapers, and are a good way to find potential assistants who live closer to your home.

2. Local newsletters

Sometimes you can put short ads in newsletters of disability groups and other community organizations such as churches.

3. Colleges and universities

Colleges can be great places to find personal assistants. Many students are looking for extra income to help them through college. It is often possible to find students who are interested in a live-in arrangement. Students who have majors in the area of health and human services are often looking for work experience. To advertise a position, contact the school's career placement office, or student housing office. You might also try health-related education departments, such as physical therapy, occupational therapy and nursing.

4. Word of mouth

Don't forget to ask family, friends and neighbors if they know of anyone who would make a good assistant for you. Let them know just what you are looking for, and ask them to tell others about the job, too.

Following are samples of advertisements that you could use as a guide:

Personal attendant - Needed to assist male with quadriplegia with personal care, shopping, light housekeeping. Part-time, 4 days/week. Flexible schedule available. Driver's license preferred. This is an ideal position for a college student. Prime location near Rice University. \$6.90/hr. Call (212) 111-1111 evenings for more information.

Personal assistant - Female, nonsmoker, needed to live-in with person with disabilities to assist with personal care, housekeeping. Free rent, hours and days negotiable, salary included. At least 6 months experience preferred. Call (555) 555-1212 to leave a message.

5. Local agencies

Social service organizations, such as independent living centers or disability organizations, often keep a registry or list of assistants who may have already completed some basic training or have work experience.

7. Bulletin boards in high-traffic areas

Hang flyers on bulletin boards in high-traffic areas, such as grocery stores, banks, apartment buildings, restaurants, community centers, churches and laundromats.

8. Local employment offices/rehabilitation agencies

Two sources often overlooked are the Texas Workforce Commission and the Texas Department of Assistive and Rehabilitation Services. Some colleges have rehabilitation and disability offices on campus.

9. Networking

Exchange of information, names, resources, and services among and between individuals.

10. Other

Locating eligible services through the Yellow Pages, newspaper advertising, craigslist.org, state and local professional organizations, etc.

If you decide to **run an ad**, here are some suggestions of what to include:

The more complete the information, the better your chances of finding applicants who are truly interested and potentially qualified for the job. It is a good idea to include:

1. Your first name (it is recommended that you not use your last name.).
2. Job title and a short description of the job.
3. Phone number.

Helpful information you may include:

1. Hours (Is the job hourly or live-in?).
2. Qualifications required - must show a current license (if you are

looking for a professional). Must have experience with people with disabilities or particular condition.

3. Wages and benefits offered.
4. General location (e.g., southwest Houston).

Do NOT include your address or other private information in the ad.

You may want to have your first meeting with an applicant in a public place rather than in your home.

You may want to do a **phone interview before meeting the applicant face to face.**

On the phone interview:

1. Give a brief description of the duties of the position, number of hours the job requires, and the hourly pay and any benefits you will provide.
2. Talk about the services needed and ask about the applicant's experience with providing home health services.
3. Ask about the applicant's experience in working with people who have disabilities.
4. If the job includes bowel/bladder care, and if there are times when you will not be wearing clothes, as when bathing, be sure to tell the applicant.
5. If the applicant is interested, ask your questions, and record answers.
 - a. Will you give me your name, address, and phone where you can be reached?
 - b. What days/hours are you available to work? Do you have any restraints on your schedule? Are there days you cannot work?
 - c. Have you ever assisted or worked for a disabled person before? If yes, tell me a little about the kinds of tasks you performed.
 - d. Do you have reliable transportation?
 - e. Are you at least 18 years of age and do you have a valid Social Security number?
 - f. Do you smoke?
 - g. Are you allergic to pets? (if you have a pet in your home).
 - h. Are there tasks you do not want to perform? (e.g., bathing, toileting, and dressing).

- i. Do you have any experience in lifting, transferring, and positioning?
 - j. Can you cook and would you mind doing housework?
6. If you are interested in a face-to-face interview, tell the applicant you will call back to make an appointment for an interview (you may consider meeting outside of your home for safety purposes). Ask the applicant to bring a Texas identification card or driver's license and proof of their address when they come for an interview. If you are hiring a professional, ask him or her to bring a copy of a current professional license. If you are hiring a licensed vocational nurse (LVN), inform the applicant that he or she will need to get their own supervision based on Texas Board of Nursing rules.
 7. Even if the person is not right for the job, always thank them for their interest.

In-person interview

- If hiring a professional, such as a nurse, ask the applicant to bring a copy of a current license.
- Ask the applicant if you or your CDSA can run a criminal background check and check the nurse aide registry and employee misconduct registry. Explain that these checks are required in order to be hired.

Important: Good screening and evaluations can reduce employee turnover, which will keep your paperwork and unemployment rate low.

Tips for interviewing

- Ask the applicant to fill out an application. Applications are a good way to keep track of the people you have interviewed. The applications also make record-keeping simple. They also provide quick access to the information you will need to make a final decision. It will give you ideas about questions to ask during the interview. It will also be a good resource for backup or substitute attendants.
- Take notes during the interview, or have someone there to help you remember what is said.
- Introduce yourself.
- Explain that you will be the employer.
- Tell the applicant about the services you need (based on your service plan) and give the applicant a copy of the job description. Ask if he or she can safely perform the duties of the job. (i.e., lifting, transferring, etc.).

- Discuss the days and the times of the day you need help.
- Explain how the CDSA will be handling payroll, writing the checks, and withholding taxes. Successful applicants, including professionals, will be hired as employees, not as independent contractors. This means that taxes will be taken out of their paychecks. Talk about what the job pays and any benefits you will offer.
- Ask applicants why they want to work with you. Be sure to ask questions about work history, their reasons for leaving other jobs, any experience with personal assistance and why they are interested in this position.
- Ask them why they think they would be good at working with you.
- Tell them you are required to do a background check. Ensure that their date of birth, Social Security number and full name are accurate for criminal history results. If any of their documents do not match, find out why.
- Ask them if there are situations that would prevent them from coming to work and how they would handle those situations. How often do they think this might happen?
- Ask them how they might handle a situation in your daily life that is important to you.
- Give the applicant an opportunity to ask questions.
- Tell the applicant you will call as soon as you make a decision. Be sure to contact the applicant even if you decide not to hire him or her. Thank them for their interest and time.

Important: When interviewing applicants, use the same standards in your job applications – ask only about things that are directly related to the job requirements. Do not ask personal questions that do not apply directly to the job. For example, it is illegal to ask:

- someone's age,
- if the applicant is pregnant, or
- if the applicant has children.

Additional information is available from the Texas Workforce Commission at www.twc.state.tx.us/crd/facts.html.

Checking references

Before you decide who to hire, check the work and personal references.

Checking references

Check references before hiring. Some people present themselves very well in an interview, but you always want to find out how they can do the job.

Questions for checking references:

- What are the applicant's strengths?
- What are the applicant's weaknesses?
- Would the reference recommend the applicant to work with you?
- Did the applicant call if he or she needed to re-schedule?

Hiring your provider

It is important that you understand:

- which DADS forms need to be completed;
- when the forms need to be completed; and
- who needs a copy of each form.

At the initial orientation meeting, the CDSA will provide the employer a "New Employee Packet Cover Sheet" (Form 1724), a checklist of activities and forms that need to be completed. Form 1724 tells you how many copies of each form are needed and which forms need to be sent to the CDS. Use this form as a guide during the hiring process.

Before an applicant can be hired, the following forms need to be completed. One copy must be sent to the CDSA and you keep the other.

- Form 1725 – Criminal history/nurse aide registry checks and employee misconduct registry (you may ask the CDSA to run these checks).
- License verification (if hiring a professional). In other words, make sure they have a current license. You may have to call the licensing board for that profession.
- Citizenship verification.
- DADS Form 1728 – Liability Acknowledgement.
- DADS Form 1729 – Applicant age relationship verification.



Let's review each of these forms.

Criminal History and Registry Check – Form 1725

- People who might become employees must be checked against the Texas Department of Public Safety criminal history conviction website, the nurse aide registry and the employee misconduct registry.
- The applicant must sign the 1725, giving permission for a background check.
- If an applicant has been convicted of an offense that would legally prevent him or her from being hired, as defined in the Texas Health and Safety Code Chapter 250, the applicant cannot be hired, even if he or she is a family member. There are no exceptions. To find the list of these offenses, see Appendix II.

Liability Acknowledgement – Form 1728

This form acknowledges that, as the employer, you alone are responsible for any negligent acts committed by you, your employee, or your designated representative. You will tell the applicant of any subscription to workers' compensation insurance, homeowner's insurance, or other insurance.

Notice Concerning Worker's Compensation in Texas (Texas Worker's Compensation Notice #5)

The Texas Department of Insurance requires all potential employees to sign this form.

Current License

If your program allows you to hire a nurse or professional therapist, his or her license must be current.

Applicant Verification-Form 1729

- For any person you want to hire, you **MUST** submit this form and the accompanying documents to the CDSA so that the CDSA can make sure that the person can be hired.
- All applicants must be at least 18 years old to be hired as an employer in the CDS Option.

- Depending on the specific program and where the money comes from, certain family members and other people cannot be hired.
- The employer cannot offer employment until the CDSA indicates on Form 1729 that the person can be hired.

Forms that need to be completed when the CDS employer hires a provider

You must get the new employee's signature on Form 1730, the Wage and Benefit Plan. The information on this form must match the approved CDS employer's budget workbook.

Wage and Benefit Plan – Form 1730

This form:

- is your primary document to record the employee's hourly pay, hourly overtime rate (if necessary), benefits, payroll deductions and the payroll process/distribution policy;
- lets the CDSA know of the optional benefits the employee will have for payroll;
- describes the documents that must be provided to the CDSA before the end of the employee's first pay period;
- documents that your employee is aware of his/her Wage and Benefits Plan; and
- lets the CDSA and the employee know of changes to the Wage and Benefits Plan for each employee.

Employee Work Schedule and Assigned Tasks – Form 1731

This is your primary document to record your employee's daily work schedule and assigned tasks. Note: tasks or activities that your employee does **MUST** match those listed on your approved service plan. You will also use it to note changes to the employee's work schedule or to the employee's assigned tasks, or both.

Programs, especially those for children, may require two different schedules (e.g., summer or holidays).

Employer and Employee Service Agreement – Form 1737

- This form is the agreement between you and your employee. It outlines employer responsibilities, employee responsibilities and responsibilities that both have.
- The employee cannot provide services before this form is signed.

Service Provider Agreement – Form 1739

- This form is used to record the service provider agreement between the CDSA on behalf of HHSC (the state Medicaid agency), DADS (the state operating agency), and a service provider (employee, contractor, entity, vendor) providing services through the CDS Option.

Remember:

- *The CDSA must approve the service provider's eligibility, in writing, to you. Services provided before the service provider's eligibility is approved will not be paid for.*
- *The CDSA must not pay for eligible services delivered by an eligible service provider until after the service provider (individual, contractor, entity or vendor) has signed the service provider agreement and the CDSA has a signed service provider agreement.*

Proof of Supervision – Form 1747

If you are hiring a Licensed Vocational Nurse (LVN), the LVN must be supervised by a registered nurse or a physician.

As listed on the 1724, forms to be completed after the employee is hired include:

On-going evaluation and management of your provider

- Management of Service Provider – Form 1732
- Time sheets or service delivery logs

Management of Service Provider – Form 1732

This form documents evaluations, conflict resolutions, warnings and anything else that occurs while managing and supervising service providers (service provider or contractor) in Consumer Directed Services.

This form can be completed:

- following any activity that involves the orientation, training, evaluation or supervision of the service provider;
- for activity, issue or situation (positive or negative) related to the service provider's performance that may need to be documented for future reference; and
- to evaluate and document employer and employee satisfaction with

the service provider's performance when required by the customer's program.

Why do some programs require a service delivery log?

When your case manager or service coordinator comes to visit you, he or she will want to review the service delivery logs. These logs help you and your case manager or service coordinator know that you are receiving the services you expected and that you are moving toward your service delivery goals defined in your service plan.

A word about required training

Each program has its unique training requirements.

To see the requirements for each program, see Appendix III. You, as the employer, or your DR are responsible for training. If you want to allow your current provider or someone else to do the training, you may.

Time sheets and service delivery logs

Services delivered must be documented by either:

- timesheet (the CDSA will have a timesheet the employer can use) or
- service delivery log, required for HCS and TxHmL or nursing, physical therapy, occupational therapy, speech/hearing therapy for any program that allows these services to be self-directed.

Three

Being an employer

Emerald City MHMR								
1234 Munchkin Land Drive								
HCS service log and daily note for Supported Home Living (SHL)								
Individual Name: Dorothy N. Kansas					Client ID #: 123456			
Entry #	Service date	Begin time	End time	Service provider initials	Service provider ID #	Total service Time	Units billed	Place of service
1	1/2/07	3:15 PM	5:15 PM	UH	321	2 Hours	2 units	Dorothy's \$travere
2	1/4/07	3:15 PM	5:15 PM	UH	321	2 Hours	2 units	Dorothy's \$travere
3	1/6/07	3:15 PM	7:15 PM	UH	321	4 Hours	4 units	Dorothy's \$travere
Objective: With one oral prompt, Dorothy will tell her SHL provider two things to do during an emergency.								
Entry #	Progress note (in every entry include signature and title)							
1	I assisted Dorothy with cooking her dinner upon her arrival at home at 3:15pm. She wanted to conduct her training and did so with two verbal prompts. She stated that she would call her aunt in case of an emergency but could not state another option. I gave her a suggestion to call 911 and she agreed. I assisted with cleaning of her room and her hygiene skills. I helped her with her laundry and we both folded clothes while she watched television. Uncle Henry, SS							
2	I went to Dorothy's house at 3:15pm and she greeted me at the door. She wanted me to help her cook dinner. She also stated that they went over emergency training in Day Hab and she wanted to try her training at home, again. Dorothy was able to complete her task by stating that she would call 911 and go to a neighbor's house if there was an emergency. We cleaned her room and she watched tv as I prepared to leave for the evening. Uncle Henry, SS							

Three

Being an employer

3	<p>Dorothy arrived home at 3:15pm when I arrived to help her today. She needed to go to the grocery store today so I took her. We discussed what products were healthy for her. She helped make a list and we followed it. This took several hours because she kept getting distracted by the other shoppers. She wanted to talk to them all about her dog and trip to the Emerald City's Poppy Festival. I cooked a steak for her for dinner. She had difficulty cutting her meat so I did this for her. She ate her meal and then we worked on her training. She was unable to give me two things to do during an emergency. She stated that she would hide and cry. I gave her reasons why this was unsafe and she understood. We fed her dog and I cleaned up the kitchen and her bathroom. She needed laundry done again so I washed clothes and she assisted by adding the soap. I left at 7:15pm as she spoke to her aunt on the phone. Uncle Henry, SS</p>
	<p>*This is supposed to mimic handwriting and signatures. Must be written by service provider and actually signed by service provider.</p>

Emerald City MHMR							
1234 Munchkin Land Drive							
HCS service log and daily note for respite (REH)							
Individual Name: Dorothy N. Kansas				Client ID #: 123456			
Entry #	Service date	Begin time	End time	Service provider initials	Total service time	Units billed	Place of service
1	1/12/07	7:00 AM	5:00 PM	TN	10 Hours	10 Units	Tori's Home
2	1/15/07	5:00 AM	5:00 PM	TN	12 Hours	12 Units	Dorothy's Home
<p>Objective: With one oral prompt, Dorothy will tell her SHL provider two things to do during an emergency.</p>							

Three

Being an employer

Entry #	Progress note (in every entry include signature and title)
1	<p>I picked Dorothy up at 7am to spend time with me at my house. We ate breakfast and cleaned our dishes. She and I watched TV for a few hours and then we ate lunch. She helped make grilled cheese sandwiches. She needed reminders not to touch the hot stove. I also conducted her SHL training with her. I asked her to tell me two things that she could do in an emergency and she stated that she could call the police and she could ask an adult for help. We talked a little about emergencies and then she and I played outside with Toto, her dog. We also drew pictures. She had a good day and I took her back home at 5pm. Her aunt was happy to see her and Dorothy was happy to be home. Tori Nado, Respite Provider</p>
2	<p>I met with Dorothy at her home and we spent time together playing games, watching television and working on her training. She has been set up on a behavior plan and so we have been talking about controlling her temper, as well. She seemed to be doing better about not yelling at me when she got angry. We also discussed her training in SHL which is to tell the provider two things to do in an emergency. She couldn't do that today for some reason. We spent some time learning about safety in the kitchen when I cooked her breakfast, lunch and snack. Her aunt arrived before dinner and so we didn't cook that. I left her house at about 5pm when her aunt came back home. They were happy to see one another. Tori Nado, Respite Provider</p>
	<p>*This is supposed to mimic handwriting and signatures. Must be written by service provider and actually signed by service provider.</p>

Three

Being an employer



Corrective Action Plans - Form 1741

- A Corrective Action Plan (CAP) may be requested by your CDSA (related to employer responsibilities), your case manager or service coordinator (related to program issues), or DADS staff (related to CDS or program).
- The Employer/DR must develop and implement a required CAP to correct any non-compliance with either the CDS rules (e.g., not sending your timesheets to the CDSA on time) or program rules (e.g., wanting to hire a relative who is prohibited from employment by program rules). Your service planning team may intervene to consider the employer's ability to manage the CDS Option when corrections are not made.
- The Support Advisor may help develop and implement the corrective action plan.

Three

Being an employer

Here is a sample corrective action plan:

Consumer Directed Services
Corrective Action Plan

Name of Individual Susie Q		Program PHC	
Employer Susie Q	Designated Representative none	Support Advisor (if applicable) NA	
Corrective Action Plan Requested by CDSA			
Position		Agency	
Date of Request February 5, 2008		Due Date (10 Calendar Days)	
Reason(s) for Requested Corrective Actions: 1. <u>turnover of staff</u> 2. <u>budget revisions not sent to CDSA when change staff</u> 3. _____ _____			

	Corrective Action Plan	Specific Action(s) to be Taken	Responsible Person	Due Date
1.	turnover of staff	Work with the CDSA to make a list why attendants are leaving Review the list and ask CDSA to help in the areas of communication with provider or selecting provider	Susie Q	March 1, 2008
2.	budget revisions not sent to CDSA when staff changed	develop a system to notify CDSA of changes	Susie Q	March 1, 2008
3.				
4.				
5.				
6.				

Plan Approval:

Employer Signature	Date	Designated Representative Signature (if applicable)	Date
Case Manager/Service Coordinator Signature	Date	Service Planning Team Member Signature (as applicable)	Date
CDSA Representative Signature	Date	Service Planning Team Member Signature (as applicable)	Date
DADS Representative Signature	Date	Service Planning Team Member Signature (as applicable)	Date



IV. Communicating your expectations to your employee

Communication is the main ingredient in a successful partnership between you and your employee.

- **Clearly state expectations.** Before you can state your expectations, you must know what they are.
- **Listen for understanding.** You may want to ask an employee to restate in his or her own words what they understand.
- **Do not assume everyone is like you.** Be sensitive to differences in communication styles.

Keep in mind that it is easier to talk about things the employer is not satisfied with if it is done promptly. The longer you wait, the bigger the problem becomes.

Training

- Training your employees about the way you want things done will help ensure satisfaction with services. Some things must be done a certain way, but you may prefer to have other things done differently. Remind experienced providers that, while some things are required to be done the same way, you may ask them to do other things differently than a previous employer did.
- The training required will depend on the difficulty of the job and the worker's experience.
- Be clear and direct about your expectations.
- Focus on the things that mean most to you. If you want or need something done in a specific way, explain to your employee why it is important that it be done that way.
- Explain a task, and then show your employee how to do it.
- More challenging tasks, such as transferring you, may take some coaching for the employee to learn to do it safely and comfortably.
- You may have to tell the employee more than once how to do something. It may be helpful to have a family member or friend who has been helping you to demonstrate a procedure for the new employee.



- If you will need a current employee to assist in training a new employee, call your CDSA, as the training costs will need to be added to your budget.
- Talk to the employee as he or she is performing the task and don't be afraid to tell the employee when he or she is doing something incorrectly. Conversely, be sure to tell the employee when he or she is performing a task correctly, and thank him or her.
- You may have to provide “refresher” training later.

Scheduling

- You decide the importance of a schedule – some things may be more important than others.
- Flexibility may be a determining factor for employment.
- Employer and employees must agree on the schedule - otherwise, the employee may not be the best match for the job.
- Respect the employee's departure time and time off.

Providing feedback to your staff

- Do not assume your employee has understood the job description or instructions.
- Be patient. Do not expect your employee to get everything right the first time (or even the second).
- Assume your employee wants to do a good job. Your role is to provide the information needed to do the job right.
- Let your employee know how he or she is doing. Remember to use DADS Form 1732 to document feedback.

Supervising

- Be clear, be respectful – remember that employees are people.
- Patience is a necessity – everyone learns at their own speed.
- Be quick to praise or correct – and remember to correct the mistake, not the person.

Report abuse

1-800-252-5400

www.txabusehotline.org

Evaluating your employee

- Evaluate an employee on quantity, quality, time and rules.
- Set a regular schedule for evaluations.
- Discuss what works and what doesn't and document results on DADS Form 1732.
- Use evaluations as opportunities for training.

Conflict resolution

As with any job, there will be some areas of conflict between you and your employee. Sometimes conflict is due to poor job performance. If you suspect the training your employee has received did not address procedures and techniques that you need the employee to use, re-train your employee on the aspects of the job that are causing difficulty. Many times this “refresher course” will solve what seems to be a serious problem. Document the training on DADS Form 1732 – Employee Management.

Tardiness is a frequent problem for some. If a pattern develops, confront the employee as soon as possible. Convey the importance of punctuality. Get the employee to agree to a time frame. If the employee continues to violate that time frame, let him or her go. Document problems and conversations about problems on DADS Form 1732.

Sometimes, an employee and the employer simply do not get along. Document problems, conversations, training and other steps used on DADS Form 1732. Before you give up completely, here are a few suggestions to try to solve the problem:

1. Keep the lines of communication open. When a conflict arises, do not shut down. Keep talking, and try to find out the reasons behind misconduct. The problem will not go away by ignoring it.
2. Bring in a third person to help settle the conflict. Another person who can look at both sides can often find a resolution that all can live with.
3. Look to your written contract for resolution. A written contract helps prevent or clear up disagreements about duties, salary, time off and benefits. This is another good reason to have a complete and clearly written contract between you and your employee.
4. In genuine differences of opinion, look for compromise.

Termination of employment

If all else fails, then you must take the responsibility of firing or dismissing the employee. Letting someone go may not be easy, but it is sometimes necessary. The exact method you use is up to you. You should consult with your CDSA representative or Support Advisor (if available) to be sure the situation is documented correctly. It is recommended that you make arrangements for backup coverage before terminating an employee.

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

1. Do it in person, or do it over the phone if you feel more comfortable with this approach. Depending on the circumstances (abuse, neglect or exploitation), the employee may need to be dismissed over the phone. You may want to have someone else with you when you terminate an employee.
2. It is your choice as to whether or not you give the traditional two-week notice.
3. Do not drag it out – be direct, and come straight to the point.
4. Some suggested methods of communicating the termination are: “I am sorry, but I do not feel you are appropriate for this job,” or “You are not fulfilling your job obligations,” or “I won’t be needing your services any more.”
5. Be sure to have the employee sign his or her current time sheet before leaving. Send the time sheet to the CDSA with termination information. When the employer terminates an employee, the CDSA must process the final paycheck within a certain number of days.
6. If the employee has any of your belongings – a house key, credit cards, ATM card, etc. – they must be returned to you. Be sure to collect the items before the final paycheck is delivered.
7. Watch what you say to others about the situation, especially to other employees. It is best to maintain confidentiality related to employee issues.
8. Analyze what went wrong to avoid similar situations with other employees.
9. Initiate your backup plan while you are looking for a new provider.
10. Ensure that you have documented counseling on the DADS Form 1732. This may help protect you from an unemployment claim.



V. Staying safe

You can prevent theft by:

- Checking references
- Paying attention to background checks
- Keeping track of money and valuables
- Being careful with checks and credit cards
- Keeping track of medications
- Being careful about the use of your car
- Being careful with house and car keys

Abuse, neglect and exploitation

An informed employer will recognize the signs of abuse, neglect, and exploitation and avoid these problems whenever possible.

It is important to report abuse, neglect, and exploitation immediately.

Suspected cases of abuse, neglect, or exploitation of an elderly person or an adult with a disability must be reported immediately to DFPS.

How to recognize abuse, neglect and exploitation

Physical signs

- Injury that has not been properly cared for
- Injury that is inconsistent with explanation for its cause
- Pain from touching
- Cuts, puncture wounds, burns, bruises, welts
- Dehydration or malnutrition without illness-related cause
- Poor coloration
- Sunken eyes or cheeks
- Inappropriate administration of medication
- Soiled clothing or bedding
- Frequent use of hospital or health care/doctor-shopping

- Lack of necessities such as food, water, or utilities
- Lack of personal effects, pleasant living environment
- Forced isolation

Behavioral signs

- Fear
- Anxiety, agitation
- Anger
- Isolation, withdrawal
- Depression
- Non-responsiveness, resignation, ambivalence
- Contradictory statements, implausible stories
- Hesitation to talk openly
- Confusion or disorientation

Signs by caregiver

- Prevents contact with friends or family
- Anger, indifference, aggressive behavior
- History of substance abuse, mental illness, criminal behavior, or family violence
- Lack of affection
- Flirtation or coyness as possible indicator of inappropriate sexual relationship
- Conflicting accounts of incidents
- Withholds affection
- Talks of caregiving as a burden

Signs of financial abuse

- Frequent expensive gifts to caregiver
- Missing personal belongings, papers, credit cards
- Numerous unpaid bills
- A recent will when individual seems incapable of writing will



- Caregiver's name added to bank account
- Individual unaware of own monthly income
- Individual signs on loan
- Frequent checks made out to "cash"
- Unusual activity in bank account
- Irregularities on tax return
- Individual unaware of reason for appointment with banker or attorney
- Caregiver's refusal to spend money on individual
- Signatures on checks or legal documents that do not resemble individual's

If you suspect that you are being abused, neglected or exploited by your provider, call your case manager or service coordinator immediately and call the DFPS Hotline at **1-800-252-5400**.



VI. Resources

Texas Workforce Commission www.texasworkforce.org

- WorkInTexas.com – Post a job for free
- Texas Workforce Centers – assistance in finding employees
- Especially for Texas employers – Guidance on hiring, policies, terminations, and other obligations and liabilities
- Unemployment taxes
- Fair Labor Standards Act: minimum wage and overtime
- Exemption from FLSA for companions hired in a private household
- Texas Payday Law
- When and how to pay employees
- All workers entitled to a minimum wage and overtime, unless an exemption (e.g., companionship) applies and is utilized by the employer
- Non-exempt = minimum wage and overtime
- Increase in federal minimum wage to \$7.25 on July 24, 2009.

Texas Payday Law

- TWC also enforces federal minimum wage and overtime provisions
- Exempts paid at least once per month
- Non-exempts paid at least twice per month
- Paydays must be posted
- Fired employees must be paid within six calendar days
- Employees who resign have to be paid by next payday

Other Texas Laws

- Texas – home page – www.state.tx.us
- Texas Online – business resources – www.business.texasonline.com
- Texas – state laws - www.legis.state.tx.us
- Texas – state regulations - www.sos.state.tx.us/tac/index.shtml
- State of Texas New Hire Program (to report newly hired employees) -

<https://portal.cs.oag.state.tx.us/wps/portal/employer>

- TWC labor law - www.texasworkforce.org/ui/lablaw/lablaw.html
- Required posters - www.twc.state.tx.us/ui/lablaw/posters.html

Appendix IX- Allowable and non-allowable expenditures

Appendix II- Barable offenses

Appendix III- Training requirements by program



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