



## Creating a Legacy

We succeed only when we meet and exceed the expectations of our patients and clients in service and compliance. Our passion for excellence drives us to set and deliver the highest standards of integrity, fairness and caring. For these reasons, we provide the highest quality and most compassionate Agency available to you. We celebrate the diversity of people, ideas and cultures. We respect and endeavor to enhance and enrich the communities in which we do business. We have a sense of responsibility to **lead** by examples of empathy, inspiration and dependability to our patients.

### **Employment Notice**

*This employee handbook contains important information, policies and procedures that you need to know. You must sign on the "Agreements and Acknowledgments" form indicating that you have read the agency policies, including this Employee Handbook, that you understand them, that you agree to abide by the established rules, and that failure to do so can lead to disciplinary action up to and including termination*

*Policies set forth in this handbook 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 the Agency and any of its employees. The provisions of the handbook have been developed at the discretion of administration and except for its policy of employment-at-will, may be amended or canceled at any time, at the Agency's sole discretion.*

*These provisions supersede all existing policies and practices and may not be amended or added without the express written approval of the administration.*

## Table of Contents

	<b>PAGE</b>
<b>Introduction</b>	
Welcome.....	1
Mission Statement.....	1
Philosophy.....	1
<b>Agency Information</b>	
Services Provided.....	2
How Clients Obtain Services After-Hours.....	2
Emergency Services and Disclaimer.....	2
Complaint Hotline and Information.....	2
<b>Employment</b>	
Equal Opportunity Employment.....	3
At-Will Employment.....	3
Probationary Employment.....	4
Americans with Disabilities Act.....	4
Discrimination, Harassment and Retaliation Policy.....	4-6
Drug and Alcohol Free Workplace Policy.....	6-7
Tobacco Use Policy.....	7
Possession of Firearms, Other Weapons, Explosives or Fireworks Policy.....	7
Application for Employment.....	8
Attendant Qualifications for Potential Employment.....	8
Job Description.....	8-9
Employment Eligibility, I-9.....	9
Reference Checks and Employment History Verification.....	9
Other Employment Documents.....	9
Selection of Employees.....	9-10
Licensure Requirements.....	10
New Hire Orientation.....	10
Personnel Files and Maintaining Current Information.....	10
Background and Criminal History Checks Complete Policy (English & Spanish).....	11-14
<b>Employee Responsibilities and Conduct</b>	
Attendant Responsibilities.....	14
Health Requirements For Attendants.....	14
Bloodborne Pathogens.....	14-15
Attendant's Personnel Policies and Rules of Conduct.....	15-16
Standards of Conduct.....	17-18
Workplace Violence.....	18
Personal Telephone Calls.....	18
Personal Mail.....	18

Socialization and Gratuities.....	19
Dress and Personal Appearance.....	19
Schedules.....	19
Attendance.....	19
Absenteeism and Tardiness.....	20
Absence Control Policy.....	20
Ethics.....	20
Rights and Responsibilities of the Patient.....	21-24
Abuse and Neglect and Reporting of Adverse Events Policy.....	25-27
Community Service and Abuse Reporting Hotline Numbers .....	27
Health and Insurance Portability and Accountability Act (HIPPA).....	28
Confidential Information.....	28-29
Conflict of Interest.....	29
Red Flags Rule – Identity Theft Protection Policy.....	29
False Claims, Fraud, Abuse, Waste and Whistleblower Protection Policy.....	30
Illegal Remuneration and Solicitation Policy.....	30-31
Reporting Information to Supervisors.....	31-32
Employee Relations – Open Door Policy.....	32
Performance Evaluation.....	32

**Compensation and Agency Standards**

Wage and Salary Policies.....	33-34
Time Records/Time Sheets.....	34
Falsifying Records.....	34
Overtime Pay.....	34
Benefits.....	34
Wage Deduction Authorization Agreement.....	35
Family Medical Leave Act Policy.....	36-37
Workers’ Compensation.....	37
Workplace Safety Violation Reporting Information.....	37
Injuries/Illness.....	37
Training and In-Services.....	38
Misrepresentation Policy.....	38
Non-Compete Policy.....	38
Non-Solicitation Policy.....	38

# ***INTRODUCTION***

## **Welcome to Legacy,**

We feel delighted to have you as an employee of this agency and we welcome you to our staff. We have selected you for employment because we believe that you are uniquely qualified to this organization. Every position forms a part of an integral team and contributes to the smooth functioning of our organization.

Our team's goal involves protecting and promoting the health of the clients we serve. We can do this only by working together giving mutual support, cooperation and maximum effort in our endeavor. This employee handbook will serve as a guide to you and will acquaint you with some of the benefits, policies and procedures regarding employment with this agency. The information contained may change without prior notice. Should you have any questions not covered in this booklet, ask your immediate supervisor. The Administrator has the right to interpret the intent of the policy.

You serve as our ambassador in the community and whatever you do affects the image of this agency. We believe that we can count on you to create a favorable impression in the eyes of the community that we serve by continually striving for higher standards of professionalism! We hope to have a long and mutually beneficial relationship with you. To help encourage that, we have created this Employee handbook. **Please read it carefully, ask any questions you have, sign the "Agreements and Acknowledgments" form, indicating that you have read it, and keep the handbook for future reference.**

## **Mission Statement**

We are dedicated to providing the highest quality of patient and client care with compassion and respect. It is our mission to provide opportunities for personal and professional growth of our staff.

## **Philosophy**

- In all aspects of the Agency, individual accountability proves the rule, not the exception.
- The work environment fosters cohesive teamwork and effective communication.
- The Agency recognizes and values individual's skills and contributions.

We lead in providing quality patient care while also developing a financially sound company.

# **AGENCY INFORMATION**

## **Services Provided Directly or Under Contract**

In addition to Personal Assistance Services (Primary Home Care Services, Star Plus Waiver, Family Care), Legacy provides the following services in the patient's place of residence:

- Hospice Services
- Home Health Nursing Services
- Home Health Aide Services
- Medical Social Services
- Occupational Therapy
- Physical Therapy
- Respiratory Therapy
- Speech Therapy
- Wound Vac
- IV Therapy

## **How Clients/Patients Can Obtain Services After-Hours, If Needed**

To contact the Agency after hours, clients should call the following phone numbers; for the Rio Grande Valley area (956) 580-9100 or toll free 1-877-787-9948 for the Coastal Bend Area and San Antonio (361) 855-0848 or toll free 1-800-874-5112. An answering service will take these calls and contact staff as needed.

## **Emergency Services and Disclaimer**

We at Legacy want to provide the best possible care and we consider client safety a top priority. In order to save time and confusion during a medical emergency, we need to advise you about our policy concerning emergency services: **Legacy does not provide emergency services.** Therefore, in case of a medical emergency, do not waste precious time calling our office. In case of an emergency such as falls, possible broken bones, chest pain lasting longer than five minutes, severe shortness of breath, loss of consciousness, uncontrolled vomiting, possible medication reactions, high fever or any apparent severe illness, clients or their caregiver should **call 911 at once, and/or arrange transportation to the nearest emergency room by ambulance or private car, and notify their doctor.** After doing these things, if possible client or caregiver may contact Legacy to assist in any way possible.

## **Complaint Hotline and Information**

If you have any complaints, questions about how to handle advance directives, or other concerns, we encourage you to call the Director of Programs and Service at the following numbers, for the Rio Grande Valley area (956) 580-9100 or toll free 1-877-787-9948 for the Coastal Bend Area and San Antonio (361) 855-0848 or toll free 1-800-874-5112. We maintain an open door policy and strongly encourage employees to use it.

If our Agency does not resolve your complaint to your satisfaction, or you need information regarding another home health agency, you can call the Texas State "Home Health Hotline" at 1-800-458-9858. The Texas Department of Aging and Disability Service (TDADS) established this hotline and answer the hotline during office hours. After hours, a machine takes messages. TDADS staff returns calls on the first working day after receiving a message. Alternatively, you may write to the Texas Department of Aging and Disability Services (TDADS), P.O. Box149030, Austin, TX 78714-9030. You may reach this Agency online at <http://www.dads.state.tx.us>

# **EMPLOYMENT**

## **EQUAL OPPORTUNITY EMPLOYMENT**

This Agency is an equal opportunity employer and does not discriminate against any person because of race, color, religion, gender, age, national origin, disability, sexual orientation, marital status, military status, or on any other basis prohibited by law. Employment decisions will be made on the basis of each applicant's job qualifications, experience and abilities.

Employees are directed to bring any violation of this policy to the immediate attention of their supervisor or the Human Resources Department. Employees who violate this policy or retaliate against an employee reporting and/or complaining of violation of this policy shall be subject to immediate disciplinary consequences, up to and including termination. Complaints brought under this policy shall be promptly investigated.

## **AT-WILL EMPLOYMENT**

Employment at this agency is At-Will Employment. All employees, regardless of their classification or position, are employed on an at-will basis. At-will status is defined as follows: An employee's employment is terminable at the will of the employee or the Agency at any time, with or without cause and with or without notice. Under the "at-will" policy, neither you, nor the Agency, are committed to continuing the employment relationship for any specific period of time. Rather, the employment relationship will continue "at-will" such that either side may terminate the relationship at any time, with or without cause and with or without notice. Also, the Agency retains the right to demote, transfer, change job duties, and change your compensation at any time with or without notice and with or without cause in its sole discretion. In deciding to work for the Agency, you must understand and accept these terms of employment. No one at the Agency has the authority to promise or guarantee you employment for any specific period of time, or to alter your "at will" status except for the Agency Administrator, and such promise or guarantee must be in writing and signed by both you and the Administrator.

Should an employee separate from employment for any reason, the employee, upon request, must immediately leave the Agency's premises. In such instances, the employee will be contacted by telephone to arrange for a mutually agreeable time for the employee to pick up any personal belongings. After separation from employment, the employee shall not initiate contact with any non-management employees of the Agency while such employees are on the Agency's premises. Any post-separation visits by the employee to the Agency's premises will be only with prior written authorization of the Agency. Violation of this rule will be considered a trespass.

Upon termination of the employee's employment for any reason, the employee shall promptly deliver to the Agency all property belonging to the Agency, including but not limited to the following: Handbooks, supplies including gait belts, back belts, cell phones and accessories, computers and accessories and all other material and records of any kind, and all copies thereof, that may be in the possession of, or under the control of the employee, pertaining to confidential information acquired by the employee during the term of the employee's employment. Upon termination of the employee's employment, for any reason, and at the request of the Agency, the employee shall make he/she available and shall meet with representatives of the Agency. At such meeting, the employee shall deliver the above-described materials in the employee's possession.

## **PROBATIONARY EMPLOYMENT**

All new employees hired to work for the Agency, including re-hired employees are placed on a 90-day probationary period. As a new hire or re-hired employee, it is especially important that you discuss any concerns or problems you encounter during your 90 day probationary employment. Your work performance will be carefully monitored and evaluated during your probationary period. As an at-will employee, employees working during their probationary period may be released from employment at any time with or without cause.

The probationary period will be used as a trial period to determine employee's compatibility with co-workers and ability, aptitude, attitude, self-discipline and motivation to perform duties satisfactorily. If you are recommended to continue employment after your probationary period, the continuation of employment will be discussed with you.

The satisfactory completion of the probationary period should not be considered as a guarantee of regular and continuous employment. The Agency evaluates employees on a continuing basis and reserves the right to terminate an employee at any time during or after the evaluation period.

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The Americans with Disabilities Act (ADA) prohibits discrimination in any terms or conditions of employment for qualified individuals with a disability. The Americans with Disabilities Act requires that employment decisions be based on the ability of a person to perform the essential functions of a job and not the person's disability or limitations. Further, it requires management to reasonably accommodate individuals with disabilities when necessary. To comply with the employment provisions of the Americans with Disability Act, the Agency will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and,
- Determine whether a reasonable accommodation can be made for a qualified individual.

## **DISCRIMINATION, HARASSMENT and RETALIATION POLICY**

The Agency firmly believes that all employees and applicants have a right to work in an environment free from unlawful discrimination, harassment and retaliation perpetrated by co-workers, independent contractors, supervisory personnel, clients and/or vendors and their employees.

### **Prohibited Harassment**

The following conduct constitutes prohibited "unwelcome harassment" within the meaning or coverage of this policy.

**Sexual Harassment:** Prohibited sexual harassment includes any unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- Submission to such conduct is an explicit or implicit condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment; or
- Such conduct otherwise adversely affects an individual's employment opportunities.

The following are examples of conduct that depending upon the circumstance, may constitute sexual harassment.

- Unwelcome sexual jokes, language, epithets, advances, or propositions;
- Written or oral/verbal abuse of a sexual nature, sexually degrading or vulgar words to describe an individual;
- The display of sexually suggestive objects, pictures, posters or cartoons;
- Unwelcome comments about an individual's body;
- Asking questions about sexual conduct;
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting or obscene comments or gestures;
- Demanding sexual favors in exchange for favorable reviews, assignment, promotions or continued employment or promises of the same

**Other Prohibited Harassment:** Other forms of prohibited harassment include any unwelcome verbal or physical conduct that belittles, shows hostility, or ridicules an individual because of race, color, religion, national origin, age, or disability, when such conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

**Dating and Workplace Relationships:** Relationships involving employees of the Agency can sometimes result in concerns about favoritism, conflicts of interest, morale problems, and even unlawful harassment. Public displays of affection within the workplace or while on Agency business are generally to be avoided. When personal relationships have the potential to be problematic or disruptive, the Agency may intervene. Employees ending a relationship should note that negative conduct such as hang up phone calls, hateful emails, or verbally abusive confrontations, whether on or off the Agency premises, may result in disciplinary action pursuant to this policy. Similarly, once an employee has ended the relationship, the other employee's ongoing attentions such as sending flowers, giving gifts, and repeatedly requesting dates, whether on or off Agency premises, can also result in a violation of this policy resulting in disciplinary action. Regardless of the emotions involved, employees will be expected to conduct themselves professionally and treat one another with courtesy. This policy also applies to relationships between employees and the Agency's customers, clients and vendors.

### **Prohibited Retaliation**

The Agency prohibits retaliation against an employee who makes a claim alleging to have experienced prohibited discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with an investigation regarding harassment, discrimination or retaliation is subject to disciplinary action up to and including termination.

### **Reporting Harassment, Discrimination, Retaliation in the Workplace :**

In the event that you are subjected to any of the prohibited behaviors described above, to report violations of this policy, contact one of the following report persons:

- a) An officer of the Agency; or
- b) Any representative of the Human Resources Department.



Do not assume that the Agency is already aware of your situation. Even if others observe the conduct, they may not know that the particular conduct or comments are unwelcome. It is your responsibility to bring your concerns to the Agency's attention by following the reporting procedure outlined above so that we can help resolve them.

If the person engaging in the **prohibited** behavior is one of the persons listed above as a report their own conduct so the problem may never be brought to the attention of human resources to be properly addressed. Therefore, in this situation, you must report the conduct to one of the other report persons listed above.

- 1. Investigation of Unwelcome Harassment:** Reports of unwelcome harassment will be treated seriously and an investigation will be initiated promptly. To the extent possible, confidentiality will be maintained.
- 2. Disciplinary Measures:** Where an investigation reveals that allegations of unwelcome harassment are true, appropriate remedial action, including discipline, will be taken. All disciplinary measures will be implemented promptly and shall be commensurate with the person's conduct. The remedies vary depending on the entire facts and circumstances found by the investigation.
- 3. Harassment by Customers and Vendors:** The Agency recognizes that unwelcome harassment can also be perpetrated by a client, a vendor, or an employee of a client. Should this occur, the reporting and investigation procedures discussed above should be followed. Where the investigation reveals that allegations of unwelcome harassment are true, the Agency will undertake appropriate measures to ensure that the harassment ceases.
- 4. Continued Harassment, Nondiscrimination and Retaliation:** If, following remedial action, the unwelcome harassment continues, another report of the conduct must be made in accordance with the procedures in this policy so that the Agency can take the additional remedial measures necessary to end the conduct. The Agency does not discriminate or retaliate against any person who reports a violation of this policy or participates in an investigation of a compliant regarding unwelcome harassment. An employee who believes that he or she has experienced retaliation for making a report or assisting in an investigation must report this as soon as possible to Human Resources so that the concern may be promptly investigated. All employees should be aware that, as stated above, retaliation against an individual who has reported harassment or against individuals cooperating with an investigation of a report of harassment is unlawful and will not be tolerated.

### **DRUG and ALCOHOL FREE WORKPLACE POLICY**

The Agency does not conduct mandatory Drug Testing upon hire, however desires to maintain a safe working environment and a drug and alcohol free workplace for all of its employees. We expect employees to work without being under the influence of drugs or alcohol.

The Agency specifically prohibits the following:

1. The use, possession, sale or transfer of illegal drugs/controlled substances on or off Agency property;
2. The use, possession or being under the influence of alcohol or illegal drugs/controlled substance on Agency property or while conducting Agency business; and
3. The use of alcohol or any illegal drug/controlled substance off Agency property when it affects the employee's work performance, or other employees' safety or the employers position in the community.

Employees using prescription drugs or over-the-counter drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties. If such use may impair the employee's judgment or ability to perform his/her job, the employee should report those potential side effects to the supervisor prior to reporting to work. In the event the employee fails to report such use, neither a physician's prescription nor other medical reason may be an acceptable excuse for being found in violation of this policy.

We do not offer, nor require participation in, drug and alcohol abuse education and training programs. However, various public and private facilities in our area offer such programs and affected employees are encouraged to seek assistance. While we do not sponsor or endorse any specific drug treatment programs, such programs are available through public and private health care facilities in our area. Affected employees are encouraged to seek assistance for themselves and their dependents. No employee will be disciplined merely for seeking assistance under such a plan; however, violations of this policy will not be excused merely because an employee is receiving treatment.

The Agency will require a drug/alcohol test for all employees involved in a work-related accident which results in personal injury, lost time, or property damage. In addition, the Agency will require a drug/alcohol test when, in the sole opinion of management, there exists reasonable cause to believe that an employee is or has violated this policy. Reasonable cause is defined as, but not limited to, instances in which there is reason to believe that an employee's performance, behavior, or physical appearance is due to alcohol or drug use. The following list includes, but is not limited to, examples of reasonable cause: (i) reckless equipment use; (ii) disruptive or belligerent behavior; (iii) lack of care or interest in work or grooming; (iv) failure to meet schedules; (v) bloodshot, glazed, unfocused, or dilated eyes; (vi) odorous breath; (vii) lack of coordination; (viii) diminished physical or mental control; (ix) slurred or thickened speech; (x) inability to concentrate; (xi) unusual, excessive drowsiness; (xii) unexplained changes in mood; or (xiii) similar activity and behavior. The forgoing list is meant only to be representative and is not exhaustive of what shall constitute reasonable cause for drug/alcohol testing. If any employee appears to be acting in an abnormal manner which gives a supervisor reason to believe that the employee is under the influence of drugs or alcohol, the Agency may require the employee to submit to drug/alcohol testing.

Also as a condition of employment an employee must notify their department supervisor in writing on any criminal drug statue conviction.

### **TOBACCO USE POLICY**

In order to provide a smoke-free environment for employees, clients and the general public, the Agency prohibits smoking and the use of tobacco products throughout the workplace and in all vehicles owned by the Agency. Smoking and use of tobacco products is allowed in designated areas which are outside each agency building and worksite and only during scheduled breaks and/or meal times. Employees and contractors are prohibited from smoking and using tobacco products in a client's home/residence and property.

### **POSSESSION of FIREARMS other WEAPONS, EXPLOSIVES or FIREWORKS POLICY**

Employees and contractors are prohibited from bringing, using or possessing (whether concealed or not) firearms, explosives, fireworks, knives, clubs, stun guns, mace or other prohibited weapons onto the workplace, worksite and to Agency related activities. To ensure the safety of all persons, employees or contractors who observe or suspect a violation of the Agency's firearms, other weapons, explosives or fireworks policy must report it to their supervisor immediately. The Agency will follow all laws (state and federal) regarding concealed weapons

## **APPLICATION FOR EMPLOYMENT**

Legacy requires that all individuals who are interested in employment with the Agency submit a Company application for employment. In addition, attendants seeking employment must meet the qualifications as outlined in “**Attendant Qualifications and Hire Agreement**” form.

## **ATTENDANT QUALIFICATIONS FOR POTENTIAL EMPLOYMENT**

Attendants must be at least 18 years of age and must demonstrate overall maturity and responsibility. They must possess the ability to effectively deal with client (s) family (ies), significant other (s) and personnel involved with the client and the delivery of services provided by the agency. Attendants must be able to read, write, and appropriately interpret written instructions related to assigned client care services. They must also be free of communicable disease and/or infectious wounds. Decisions in reference to employment are based solely on the qualifications and abilities necessary to perform a specific job.

## **JOB DESCRIPTION**

### **Personal Assistance Service – Unlicensed Person**

**Responsible to: Agency Supervisor**

#### **General Job Requirements:**

1. Must be eighteen (18) years of age or older, and must demonstrate overall maturity and responsibility.
2. Must possess the ability to effectively deal with client(s) family(ies), significant other(s) and personnel involved with the client, and the delivery of services provided by the agency.
3. Must be able to read and write, and appropriately interpret written instructions related to assigned client care services.

#### **Specific Job Requirements:**

1. Must demonstrate satisfactory competency evaluation of all assigned tasks to be performed.
2. Must perform all tasks assigned by the supervisor in a safe and effective manner.
3. Must be dependable and demonstrate satisfactory and timely attendance related to assigned client care services.

#### **Job Duties and Responsibilities:**

1. Be knowledgeable and consistently follow all of the agency’s policies and procedures related to the provision of personal assistance services.
2. Consistently ensure that client and family (significant other(s)) rights are promoted.
3. Consistently follow universal precautions related to the provision of assigned client care services.
4. Must consistently follow the supervisor’s written instructions related to the provision of assigned client care services.
5. Consistently report to the supervisor, client and family situations/events, conditions potentially or actually affecting the provision of assigned client care services.
6. Report any situation/event/condition that may suggest potential/actual client abuse.
7. Consistently demonstrate satisfactory documentation of the provision of assigned client care services in accordance with the supervisor(s) written instructions.
8. Consistently submit timely, appropriate and complete documentation to the agency, related to the provision of assigned client care services.
9. Participate in scheduled meetings (or conferences, if applicable) related to assigned client care services.

10. Participate in any in-services required by the supervisor, and in accordance with the agency's policies and procedures.
11. Maintain current and ongoing knowledge related to personal assistance services, the agency's policies and procedures and any other applicable standards/requirements related to Personal Assistance Services.

### **EMPLOYMENT ELIGIBILITY VERIFICATION, I-9**

The Agency is required by law to verify the legal working status of all employees hired after November 7, 1986. The Federal Immigration Reform and Control Act of 1986 makes it illegal for the Agency to hire anyone who is not a citizen of the United States or to hire a non-citizen who does not have the legal right to work in the United States. All applicants will be required to submit a completed I-9 Form along with current and valid documentation prior to employment and thereafter as required by federal law.

### **REFERENCE CHECKS and EMPLOYMENT HISTORY VERIFICATION**

Legacy requires that all individuals who submit an application for employment must also provide two references that are employment-related references. The two **confidential reference checks** require the applicant's signature authorizing the release of information by the individual and/or company submitting the reference check information. In addition, all applicants submit an "**Attendant Employment History & Work Availability**" form.

From time-to-time you may need the Agency to verify your employment for loans or to prospective employers. While we are not required to provide such information, we do so as a courtesy. All employment verifications/reference requests must be directed to the Human Resources Department. We will not be liable for information provided when the request is directed to someone other than the Human Resources Department. To protect confidentiality, unless we have written authorization from you to release additional information, we will only release your dates of employment and job title.

### **OTHER EMPLOYMENT DOCUMENTS**

The Agency also requires employees to complete the **W-4 Federal Tax Income Form** so that the Agency can withhold the correct federal income tax from your pay, the **Texas Employer New Hire Reporting Form** as required by the State of Texas to fulfill new hire reporting requirements for all employers, the **New Hire EEO-1 Data Sheet** required by the Equal Opportunity Employment Act.

During orientation new employees who have client contact must provide and complete all of the following documentation:

- Wage and Salary Statement
- W-4 form
- I-9 form
- Certification Verification (where applicable)
- Agreement and Acknowledgement Form of Information
- Hepatitis B Vaccine – Information and Refusal/Request form
- Copies of picture identification card and social security card.
- Employee Health Affidavit
- Attendant Orientation and Training Profile

## **SELECTION OF EMPLOYEES**

Attendants must be at least 18 years of age and must demonstrate overall maturity and responsibility. They must possess the ability to effectively deal with client (s) family (ies), significant other (s) and personnel involved with the client and the delivery of services provided by the agency. Attendants must be able to read, write, and appropriately interpret written instructions related to assigned client care services. They must also be free of communicable disease and/or infectious wounds.

Decisions in reference to employment are based solely on the qualifications and abilities necessary to perform a specific job.

## **LICENSURE REQUIREMENTS**

Employees whose position requires a license or certification will be required to maintain their license/certification valid as required by the Agency, local, state and/or federal law. Any employee will not be allowed to perform the duties of their job. Applicants whose license or certification is not valid will not be considered for employment. Employees whose certificate or license is suspended or revoked are required to notify their immediate supervisor within 5 days of receipt of notification. Failure to make required notification will result in disciplinary action, up to and including termination.

## **NEW HIRE ORIENTATION**

New employees to the Agency will receive an orientation/training by the Human Resources Staff upon hire. The orientation will be conducted in a group setting or individually, depending on the schedule of new hire and HR staff. New hire orientation is required as a part of the employment process for the Agency. Information/training material discussed during the orientation will be provided to employees in a digital format.

Prior to orientation, an employee will have completed an employment application or submitted a resume or curriculum vita along with two reference sources. The administrative staff will, (1) document verbal contact with references and/or (2) place a copy of reference letters(s) in the employee's personnel record.

The Agency expects all attendants to become familiar with the Agency's policies and procedures and their assigned job responsibilities. Attendants are to ask questions and make sure that they clearly understand what the Agency expects to accomplish the job. We encourage new attendants to ask questions and talk with their supervisors. After a year of employment, the supervisor will discuss performance and progress in a written annual evaluation.

## **PERSONNEL FILES and MAINTAINING CURRENT INFORMATION**

It is very important that personnel files and employment records be kept up-to-date. Employees should immediately notify the office if there are changes or corrections to their name, home address, contact telephone numbers, emergency contact information, changes in marital status or dependents and tax filing status. Changes are to be communicated to the HR department via the Agency's "**Current & Changes in Employee Information/Emergency Contact Information/Selection of Payroll Delivery Method**" Form.

Changes in number of exemptions for federal income tax purposes will only be made upon the receipt of a newly completed W-4 federal tax form.

Personnel Files including all documents placed within each employee's personnel file are the property of the Agency, not the individual employee. Unless otherwise mandated by law, an employee may only request a copy of personnel file documents mandated for release by law.

## **BACKGROUND and CRIMINAL HISTORY CHECKS POLICY**

The Agency conducts background and criminal history checks on all employees who will have direct contact with consumers (clients). The Agency will request a criminal history check only for an applicant to whom it makes an offer of employment. The Human Resources staff will conduct the criminal history check with the appropriate state agency according to state guidelines and only upon receipt of your signature on the **STATEMENT OF EMPLOYABILITY FORM, the DPS COMPUTERIZED CRIMINAL HISTORY (CCH) VERIFICATION FORM, and the EMPLOYEE MISCONDUCT REGISTRY (EMR)/NURSE AIDE REGISTRY (NAR) and the OIG(Texas & US) DATABASES** form.

Your employment with this Agency remains contingent on a favorable result of a criminal history investigation if you provide direct client care. You must tell management whether you have history of criminal activity and whether any criminal investigations are pending at this time. The Agency also reserves the right to conduct periodic background checks on current employees at any time. Refusal to consent to a criminal history background check as required by policy will result in the non-consideration of hire for the applicant.

If you do not hold a professional license, please read the list of offenses below and inform Agency administration if a court of law has convicted you of any of these criminal offenses.

### **Convictions Barring Employment:**

- (A) A person for whom the facility is entitled to obtain criminal history record information may not be employed in a facility if the person has been convicted of an offense listed in the subsection:
- Chapter 19, Penal Code – Criminal Homicide
  - Chapter 20, Penal Code – Kidnapping and False Imprisonment
  - Section 21.02, Continuous sexual abuse of young child or children
  - Section 21.08, Indecent exposure
  - Section 21.11, Penal Code – Indecency with a child
  - Section 21.12, Improper relationship between educator and student
  - Section 21.15, Improper photography or visual recording
  - Section 22.011, Penal Code – Sexual Assault
  - Section 22.02, Penal Code – Aggravated Assault
  - Section 22.021, Aggravated sexual assault
  - Section 22.04, Penal Code – Injury to a child, elderly individual, or disabled individual
  - Section 22.041, Penal Code – Abandoning or endangering a child
  - Section 22.05, Deadly conduct
  - Section 22.07, Terroristic threat
  - Section 22.08, Penal Code – Aiding Suicide
  - Section 25.031, Penal Code – Agreement to abduct from custody
  - Section 25.08, Penal Code – Sale or purchase of a child
  - Section 28.02, Penal Code – Arson
  - Section 29.02, Penal Code – Robbery or
  - Section 29.03, Penal Code – Aggravated robbery
  - Section 33.021, Online solicitation of a minor
  - Section 34.02, Money laundering
  - Section 35A.02, Medicaid Fraud
  - Section 36.06, Penal Code Obstruction or retaliation
  - Section 42.09, Cruelty to Animals
  - Section 42.092, Penal Code Cruelty to non-livestock animals

- A conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed under this subsection.
  - An offense the Agency determines to be contraindicated to employment with the consumers the Agency Serves.
- (B) A person may also be barred from employment, the duties of which involve direct contact in a facility if convicted of any of the following crimes within the last 5 years.
- Section 22.01, Penal Code (assault punishable as a class A misdemeanor or as a felony)
  - Section 30.02, Penal Code (burglary)
  - Chapter 31, Penal Code (theft that is punishable as a felony)
  - Section 32.45, Penal Code (misapplication of fiduciary property or property of a financial institution that is punishable as a Class A misdemeanor or a felony)
  - Section 32.46, Penal Code (securing execution of a document by deception punishable as a Class A misdemeanor or a felony)
  - Section 37.12, Penal Code (false identification as a peace officer)
  - Section 42.01 (a) (7), (8) or (9), Penal Code (disorderly conduct)
- (C) In addition to the prohibitions on employment prescribed by Subsection (A) and (B), a person for whom a facility licensed under Chapter 242 or 247 is entitled to obtain criminal history record information may not be employed in a facility licensed under Chapter 242 or 247 if the person has been convicted.
- An offense under Section 30.02 Penal Code (burglary) or
  - Under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are of an offense under Section 30.02, Penal Code.
- (D) In addition to the prohibitions on employment prescribed by Subsections (A), (B), and (C), a nurse aide listed as unemployable per amendment to TAC 40. §(1) and §94.11 (c) (d) and is listed on the NAR or EMR stating a finding of abuse, neglect or misappropriation will not be recertified therefore, is unemployable.
- (E) For purposes of this section, a person who is placed on deferred adjudication community supervision for an offense listed in this section, successfully completes the period of deferred adjudication community supervision and receives a dismissal and discharge in accordance with Section 5 ©, Article 42.12 Code of Criminal procedure, is not considered convicted of the offense for which the person received deferred adjudication community supervision.

### **Employee Misconduct Registry(EMR)/Nurse Aide Registry(NAR)/OIG (Texas & US) Databases**

Under Texas Administrative Code Title 40, 93.3, & Texas Health and Safety Code, Chapter 253, before an agency or facility hires an employee, the agency or facility must search the Employee Misconduct Registry and the Nurse Aide Registry to determine if the person applying for employment is listed as unemployable in either registry. The facility or agency cannot and must not hire or continue to employ a person listed in the EMR or NAR as unemployable. Legacy will run all employees' names through the EMR and NAR before hire, and annually to determine if an employee is listed on either registry as unemployable. Prospective employees will not clear background checks if they appear on the EMR/NAR list as unemployable, and they will not be hired by Legacy. After hire, all employee names will be run annually through EMR/NAR, and will be terminated if the employees are listed on either registry as unemployable.

## **How does someone appear on EMR/NAR?**

If the Department of Aging and Disability Services (DADS) substantiates a finding of a reportable conduct or receives a finding of a reportable conduct from the Department of Family Protective Services (DFPS), or another federal or state governmental entity finds that an employee has committed an act that constitutes a reportable conduct, DADS will place the employee on the corresponding registry, and this employee can no longer remain employed by an agency or facility; he/she would have to be terminated.

More specifically, when an agency or a facility employee is alleged to have committed a potential reportable conduct (abuse, neglect, exploitation), there is a process whereby the involved government agency conducts an investigation and determines the accuracy of the allegations. If the allegation is substantiated, the employee has avenues to dispute the allegations. During this investigation process (from the beginning), the agency will have to suspend the employee, and will not be able to resume his or her assignment until the employee is cleared of the allegations. If in the end, the allegations are substantiated, the employee will be terminated. If the employee wishes to resign, he or she can resign his or her position with the agency, but will not be re-hirable, until he or she can present evidence that he or she was cleared of the allegations that were pending prior to his or her resignation.

## **Office of Inspector General (OIG Texas and US Databases)**

Before hire and on a monthly basis after hire, Legacy will conduct OIG (Texas and US) databases SEARCHES of applicants, employees and subcontractors to determine if they are excluded from participation in Federal health care programs. Legacy will not hire individuals who are excluded from participation in Federal health care programs as identified within the OIG databases. If an individual appears on the listings during the monthly search, Legacy will follow the required OIG reporting process and will terminate the individual from employment.

## **EMPLOYEE MISCONDUCT / NURSE AIDE REGISTRY (SPANISH)**

### **Registro de Mala Conducta del Empleado/Registro de Auxiliar de Enfermera**

Bajo los códigos, Texas Administrative Code Title 40, 93.3 y Texas Health and Safety Code, Chapter 253, antes de que la empresa emplee un trabajador(a), la empresa deberá investigar el Registro de Mala Conducta del Empleado (Employee Misconduct Registry) y el Registro Auxiliar de Enfermera (Nurse Aide Registry) para comprobar, que la persona solicitando empleo, es apto(a) para trabajar. La empresa no deberá contratar o continuar empleando a la persona cuyo nombre aparezca en la lista de estos registros como “no apto para trabajar” (unemployable).

La empresa verificará que los nombres de los trabajadores no aparezcan en los registros como “no apto para trabajar” antes de ser empleados y posteriormente cada año.

La persona que aparezca como “no apto para trabajar”, tampoco pasará el registro de antecedentes penales, y Legacy no contratará a tal persona. Después de ser contratados, todos los nombres de los empleados serán indagados cada año en dichos registros, y serán despedidos si su nombre aparece en la lista como “no apto para trabajar”.

### **Como aparece el nombre de una persona en los Registros “EMR/NAR”?**

Si el **Departamento de Servicios para Adultos Mayores y Personas Discapacitadas de Texas (DADS)** comprueba que ha encontrado una conducta reprobable ó recibe prueba de una conducta reprobable de **El Departamento de Servicios para la Familia y de Protección (DFPS) de Texas** ó de alguna otra entidad, federal ó estatal, encuentra que el empleado a cometido un acto que constituye una conducta reprobable, DADS pondrá el nombre del trabajador en el registro correspondiente y este trabajador no permanecerá empleado por la empresa, él/ella será despedido.



De manera más específica, cuando un empleado(a) de la empresa supuestamente a cometido una conducta inaceptable (abuso, negligencia, explotación), existe un proceso en el cual la agencia gubernamental conduce é investiga y determina la veracidad de la acusación. Si la acusación es corroborada, el trabajador tiene manera de debatir la acusación. Durante el proceso de investigación (desde el inicio), la empresa se verá en la necesidad de suspender al empleado, y no podrá continuar con su labor hasta que la acusación sea aclarada. Al final, si la acusación fuese verídica, el empleado será despedido. El empleado(a) puede renunciar a su puesto en la empresa, pero no podrá regresar a sus labores hasta presentar comprobante de que fue exonerado de su previa acusación.

## **EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **ATTENDANT RESPONSIBILITIES**

Attendant will report to the supervisor and will perform any or all of the following duties:

- A) Personal care: Assistance with activities related to the care of the client's physical body such as bathing, dressing, eating, exercising, grooming, routine hair, and skin care, assist with self-administered medication, toileting, and transfer/ambulation.
- B) Housekeeping: Activities related to cleaning that are essential to the client's health and comfort by providing a clean and healthy environment, such as changed bed linens, house cleaning, and laundering.
- C) Meal Preparation: Activities related to the provision of food according to the client's needs and wishes such as planning menus, shopping, storing, preparing and serving foods.
- D) Escort: Arranging for transportation and/or accompanying the client on trips necessary to obtain health care services. **Under no circumstance is an attendant to transport a client, transporting a client will lead to disciplinary action up to and including termination.**
- E) Other tasks as assigned by the Attendant Supervisor.
- F) Attendants are hired on a part-time basis, and assigned a particular client or clients. **If your assignment ends, or your hours are reduced, it is your responsibility to appear at your local office and inform the agency of your availability and desire for further assignments. Failure to appear at least twice a week will be considered as job abandonment and a disruption of operations which will result in automatic termination.**

### **HEALTH REQUIREMENTS FOR ATTENDANTS**

An attendant may not work with open and/or draining skin lesions or with any communicable disease. Also, an attendant may not work with any physical condition that could affect the health and safety of themselves, a fellow employee, or a client. The attendant's supervisor will require a medical release without restrictions from a physician prior to an attendant's returning to work following such conditions.

When administration determines that an attendant may have a communicable disease, they may make a report to the Medical Director and, when appropriate, to the local health authorities. Administration determines the procedures to follow to minimize the risk to the clients and other employees.

The Agency retains employee health information in a confidential employee medical file.

### **BLOOD BORNE PATHOGENS**

Further in this Employee Handbook you will find training material regarding Bloodborne Pathogens. You must understand the modes of transmission of both the HIV and HBV virus. The training includes Bloodborne Pathogens Standards and you must understand that all blood, blood products, body fluids, and tissues must be considered potentially infectious and the Universal Blood and Body Fluid Precautions must be followed when contact with blood and body fluids are likely. You are being provided with an explanation of the symptoms of blood borne diseases and methods for recognizing tasks that may involve exposure.

If you are an employee that will be handling protective barriers and equipment, you must understand the types of protective barriers and equipment available; where these protective barriers are kept, how to use them properly and how to handle and dispose of infectious materials according to policy.

If an accidental exposure to blood or body fluids occurs through needle-sticks or other means, you understand that an incident report must be filled out and the exposure must be reported to your supervisor as soon as possible so that follow-up actions may be taken. You are being provided with information on post exposure evaluation and follow-up, as well as information on the Hepatitis B Vaccination and have been offered the vaccine.

### **ATTENDANT'S PERSONNEL POLICIES AND RULES OF CONDUCT**

Attendants are expected to establish and maintain a professional working relationship with their client(s). Since your job is being performed in the home of the client, respect them as well as their home, their family members when present, and their personal boundaries at all times.

#### **Attendants are required to:**

1. **Be courteous, respectful, kind, patient, efficient, compassionate, positive and loyal to their client.**
2. Report to work at the client's home on the days and at the hours as assigned. **I understand I will not be paid should I try to make up missed hours on another day or at another time without permission.**
3. Notify the patient and the supervisor each day they are going to be late or unable to report to work.
4. Be on time for work assignment and stay at work for their entire work schedule
5. Report any reason for which they are unable to work with their client on their assigned days or
6. hours.
7. Perform only the work duties/tasks which their supervisor has instructed them to perform.
8. Report immediately to their supervisor when their client enters a hospital, nursing home, or leaves the home for extended period of time which makes the Client unavailable to receive services in their home.
9. Work **only** for their client where he/she lives and **only** when their Client is home. **I will not be paid for work done when the client is in the hospital, nursing home or foster home.** I understand I am required to report when a change in home address/place of residence changes occurs before I can perform work for my client should he/she move to a new home address.
10. Check client's Medicaid Form (3087) on the first of the month, to make sure the client has Medicaid for that month. If the client does not have a Medicaid form for the new month, I am to stop work and telephone my supervisor immediately. **I understand that I will not be paid for work performed if my client does not have a current Medicaid form.**
11. Report on the job injuries that occur in the Client's home to their supervisor immediately.
12. Dress appropriately and conservatively to perform the duties of their job, including foot attire to ensure your safety and the safety of your client are always your number one priority.
13. **MAINTAIN CONFIDENTIALITY and never discuss the patient with anyone else.**
14. Send in time sheets to my supervisor by the 16th and the last day of each month. If time sheets are sent to my supervisor late or incorrect, **I understand that MY PAYCHECK WILL BE DELAYED.**
15. **WEAR THEIR NAME BADGE/COMPANY ID TO WORK**

#### **Attendant SHOULD NEVER:**

1. Never drive a client or anyone else in any motor vehicle during working hours.
2. Never smoke, eat, drink, sleep or watch TV at the Patient's home while on duty.
3. Never give medications of any kind to the client during working hours.
4. Never eat or take food, medications, drinks or any personal property that belongs to the client or the client's family and/ or from the home in which you are providing services.

7. Never discuss personal matters, personal beliefs, religious beliefs, political views, rumors about other people including other patients and/or the Agency with the patient.
8. Never take personal valuable items into the Patient's home. Leave your valuable items such as jewelry, money, etc. in your home.
9. Never take any person or pet with you to your work assignment including your spouse, parent, child, friend, pet, etc.
10. Never allow anyone else to work in your place or do the work assigned to you.
11. Never move any furniture in the Patient's home.
12. Never handle, clean, or even dust valuable items such as china, glassware, antiques, collectible items, etc.
13. Never wash cars, clean windows or do yard work for the patient during working hours.
14. Never perform any type of work for other family members or other people living the home.
15. Never perform duties that you are not trained to do, i.e. helping a patient from the bed to a wheelchair, transferring a patient, using a Hoyer lift, etc.
16. Never ask a Patient to buy items from you and never sell items to a Patient, like Avon, school fundraisers, etc.
17. Never discuss your pay check or how much you paid with your Patient.
18. Never borrow money from the Patient or the Patient's family and never enter into any business relationship or business transaction with the Patient or the Patient's family.
19. Never accept gifts or money, even change when shopping, for the Patient or the Patient's family for services that you perform as the attendant.
20. Never pay bills, handle business transactions or run errands for the Patient or the Patient's family during working hours.
21. Never talk about the patient(s) with anyone else.

**ATTENDANTS ARE PROHIBITED FROM DOING THE FOLLOWING:**

***(SU ENCARGADO NO ES RESPONSIBLE POR LO SIGUIENTE)***

- |  |   |
|--|---|
| <p><b>*Heavy Lifting or Moving Heavy Furniture</b><br/><i>(Levantar cajas pesadas o mover muebles pesados)</i></p> <p><b>*Borrow Money from the Client or Lend money to Client</b><br/><i>(Pedirle un préstamo financiero r prestarle dinero)</i></p> <p><b>*Borrowing the Client's Car</b><br/><i>(Pedirle su Automóvil Prestado)</i></p> <p><b>*Accept Gifts</b><br/><i>(Acepta Regalos)</i></p> <p><b>*Fail to Bring the Client's Shopping Receipt and Change</b><br/><i>(No traer su recibo de compras y su cambio)</i></p> <p><b>*Give Client Medication, Suppositories, or Enemas</b><br/><i>(Darle sus medicinas, supositorios, o enemas)</i></p> <p><b>*Give Medical Advice</b><br/><i>(Darle consejos médicos)</i></p> <p><b>*Adjust Medical Equipment</b><br/><i>(Ajustar equipo medico)</i></p> <p><b>*Assist with Clients' Personal or Family Finances</b><br/><i>(Ayudarle con finanzas personales o de la familia)</i></p> <p><b>*Run Errands</b><br/><i>(Hacer mandados o llevar recados)</i></p> <p><b>*Care for Pets</b><br/><i>(Cuidar sus mascotas, animales domésticos)</i></p> <p><b>*Iron Clothes or Sew</b><br/><i>(Planchar ropa o Coser ropa)</i></p> <p><b>*Bring Children to Work with Them</b><br/><i>(Traer hijos consigo al trabajo)</i></p> | <p><b>*Take You or Your Family in Your Car</b><br/><i>(Llevarlo o a su Familia en el Automóvil)</i></p> <p><b>*Borrow Personal Items</b><br/><i>(Pedir prestado artículos personales)</i></p> <p><b>*Clean Whole House</b><br/><i>(Limpiar toda la casa del cliente/familia)</i></p> <p><b>*Do Laundry for Rest of Family</b><br/><i>(Lavar ropa del resto de la familia)</i></p> <p><b>*Clip your Fingernails or Toenails</b><br/><i>(Cortarle las unas de las manos o de los pies)</i></p> <p><b>*Assist with Catheter Changes (Indwelling)</b><br/><i>(Ayudarle cambiar la sonda)</i></p> <p><b>*Change Bandages</b><br/><i>(Cambiarle bandas)</i></p> <p><b>*Help with Exercising other Than Help Walking</b><br/><i>(Ayudar con ejercicios más que el caminar)</i></p> <p><b>*Eat Food that Belongs to Client or Family</b><br/><i>(Consumir alimentos suyos)</i></p> <p><b>*Wash Windows or Wax Floors</b><br/><i>(Lavar ventanas o encerar piso)</i></p> <p><b>*Gardening, including Watering</b><br/><i>(Jardinería, incluyendo regar las plantas)</i></p> <p><b>*Cook for the Whole Family</b><br/><i>(Preparar comida para toda la familia)</i></p> |
|--|---|

**This program is only for the client-NOT for the entire family.**  
***(Este programa es solamente para el cliente-NO para toda la familia.)***

## **STANDARDS OF CONDUCT**

By accepting employment with us, you have a responsibility to the Agency and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work for everyone.

Generally speaking, we expect each person to act in a mature and responsible way at all times; however, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. Your avoidance of these activities will be to your benefit as well as the benefit of the Agency. This list is not all-inclusive and, notwithstanding, all employees remain terminable "at-will." If you have any questions concerning the unacceptable activities listed, please see your manager for further explanation.

- Actions which endangers the life or safety of another person
- Possession of dangerous or unauthorized materials, such as firearms, weapons or explosives on Agency property or while working for the Agency, even if properly licensed or permitted.
- Engaging in criminal conduct of acts of violence, or making threats of violence toward anyone on Agency property or when representing the Agency; fighting, horseplay or provoking a fight on Agency property, as well as boisterous or disruptive activity in the workplace.
- Threatening, intimidating, or coercing fellow employees on or off duty – at any time, for any purpose
- Being under the influence of alcohol or controlled substance drugs while on duty; use, possession, or sale of controlled substance drugs in any quantity while on duty or while on Agency property. Possession or proper use of medications prescribed for the employee by a physician which does not impair safe work performance will be exempt from this policy.
- Any act of harassment, sexual, racial or other; using racial or ethnic slurs; telling sexist or racial-type jokes.
- Immoral conduct of indecency on Agency property.
- Engaging in an act of sabotage; causing in any manner the destruction or damage of Agency property or the property of fellow employees, clients, suppliers, or visitors.
- Taking or inappropriate removal of Agency property or the property of fellow employees or clients; unauthorized use of Agency equipment or property for personal reasons; using Agency equipment for profit.
- Violating confidentiality rules or giving confidential or propriety information to competitors, other organizations, or to unauthorized employees; breaching the confidentiality of personnel or client information.
- Failure to immediately report damage to, or an accident involving Agency equipment or property.
- Gossiping and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; restricting work output or encouraging others to do the same.
- Dishonesty; omission, falsification or misrepresentation on your work records; unauthorized alteration of Agency records or other Agency documents. Falsification or misrepresentation of patient or client records.
- Obscene or abusive language toward any manager or supervisor, employee or client; indifference or rudeness towards a client or fellow employee; any disorderly/antagonistic conduct on Agency property or while conducting business on behalf of the Agency,
- Insubordination or refusing to obey instructions properly issued by your manager or supervisor pertaining to your work; refusal to help out on special assignments.

- Absence from work without notifying your supervisor.
- Failure to report an absence or late arrival in advance; excessive absence or lateness.
- Leaving work before the end of a workday or not being ready to work at the start of a shift without approval of your supervisor.
- Alteration of your own time sheets or records; altering another employee's time sheets or records.
- Violation of any Agency rule or any action that is obviously harmful to the Agency's efforts to operate profitably.
- Smoking outside designated areas.
- Unsatisfactory performance or careless work; failure to meet deadlines or quality standards as explained to you by your supervisor; mistakes due to carelessness or failure to get necessary instructions.
- Failure to maintain a neat and clean appearance; any departure from accepted conventional modes of dress or personal grooming; wearing improper clothing.
- Unauthorized use of telephones, mail systems, computers, e-mail, internet, or other employer or client owned or furnished equipment.
- Negligence or improper conduct leading to damage of employer – owned or client – owned property.
- Any nature of any behavior that could put a client in danger

### **WORKPLACE VIOLENCE**

It is the intention of the Agency to protect its employees, visitors, and clients and, as such, the Agency **will not tolerate** the following:

- Physical confrontation
- Threats to use violence (implicit or explicit)
- Harassment or intimidation (implicit or explicit), and/or
- The possession and/or use of weapons on Agency or Clients premises.

Workplace violence will not be tolerated on Agency or Client's property or while engaged in Agency business regardless of location. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

All employees are responsible for ensuring that the workplace is free from violence, whether by employees or non-employees, at all times. Therefore, complaints of confrontations, threats, harassment, intimidation or possession of a weapon should be reported immediately to the Human Resources Department, Supervisor, or the Agency Administrator. To ensure that the Agency handles each matter with consistency, the Agency Administrator will be informed of all reports unless the circumstances of the complaint require otherwise.

If you receive a threat away from Agency property and not in the course and scope of your employment with the Agency, you should report such threats to the individuals noted above if you have reason to believe that the threat may be carried out on Agency property or while engaged in Agency business.

### **PERSONAL TELEPHONE CALLS**

Employees may not use the client's telephone unless an emergency has occurred. Employees must refrain from using personal cell phone during working hours unless an emergency has occurred.

### **PERSONAL MAIL**

The Agency will consider all mail delivered to the facility business correspondence and open it. An attendant should not have personal mail delivered to the workplace

## **SOCIALIZATION AND GRATUITIES**

The Agency prohibits anyone from socializing with employees, patients or visitors while on duty. Employees discovered making unauthorized socialization will be reported to their supervisor immediately. The supervisor will then notify the Administrator for appropriate action referral.

Employees must not accept any monetary, gratuity or other forms of compensation for services rendered, except for wages or other compensation provided by the Agency. Whenever a family member offers gifts or money, you should graciously decline indicating that company policy does not allow you to accept.

## **DRESS AND PERSONAL APPEARANCE**

The Agency has implemented a dress code in order to maintain a degree of dress uniformity.

*General (pertains to all staff members):*

1. Maintain good personal hygiene and appearance at all times. This includes bath/shower, nail care (including toes), oral care, etc.
2. Wear name tags while on duty in client's homes or representing the Agency in public
3. Wear professional, clean, neat and pressed attire at all times
4. Wear minimal conservative jewelry (avoid large dangling earrings, necklaces and multiple rings on each hand)
5. Do not use strong perfume due to possible sensitivity or allergy of patients, family, or fellow employees
6. Nail length must be such that they do not interfere with performing duties
7. Hair should be neatly combed or styled; facial hair must be shaven or beards and mustaches must be neatly trimmed
8. Wear scrubs if possible.
9. Shorts, halter tops, tank tops, T shirts, see through blouses and shirts should not be worn in any work area.
10. Walking shorts are permitted **only when** the bottom of the shorts/hem of the shorts is no shorter than three inches from the top of the knee cap.
11. Appropriate undergarments must be worn at all times
12. Shoe attire should be comfortable, closed toed and suitable for like work to ensure safety.
13. Shoes should be clean and free of foot odor and other odors

If you have any questions regarding hygiene, dress code and/or appropriate attire for the workplace, please contact your supervisor.

## **SCHEDULES**

Supervisors determine all attendant work schedules according to the needs of the client. The Agency expects all attendants to honor their schedules and changes cannot be made without prior approval from supervisor.

## **ATTENDANCE**

Regular attendance by each employee proves essential to ensure that we provide excellent service to our clients. Attendants are required to notify their supervisor and client within one hour of a known absence or tardy.

Absences longer than three days, due to illness, must have a doctor's note upon return. An employee who is absent for two consecutive work days without calling to report the absence, will be considered job abandonment and your employment will be terminated.

## **ABSENTEEISM AND TARDINESS**

All employees are expected to begin performing their job duties when the work assignment begins. From time to time, it may be necessary for you to be absent or late for work. The Agency is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside your work hours may arise. If you are unable to report to work, or if you will arrive late, please contact your supervisor immediately. Give them as much time as possible to arrange for someone else to cover your position until you arrive. When you call in to inform the Agency of an unexpected absence or late arrival, ask for your supervisor or the person on call directly. **Notifying a fellow employee or the answering service is not sufficient.** For late arrivals, please indicate when you expect to arrive for work.

If you are absent for medical reasons for more than three consecutive days you will be required to provide a physician's note.

Absence from work for two (2) consecutive days without notifying your supervisor will be considered job abandonment.

Excessive absences or tardiness can have a serious effect on your work performance and could result in termination of your employment. In all cases, honest and truthful reasons for tardiness or absences are expected to be given. Giving false reasons for tardiness or absence will result in corrective action up to and including termination.

## **ABSENCE CONTROL POLICY**

**Administrative Separation:** Any employee of the Agency who has not performed any services for the Agency for any reason, for a period of six (6) consecutive months shall be removed from the Agency's roll of active employees, and shall be considered administratively terminated from employment.

## **ETHICS**

All employees equally share the responsibility for strict adherence to a code of ethics. As emphasized in the Agency's mission statement, this code requires honesty and integrity in all activities. The following guidelines apply:

- Employees should not burden clients or other employees with their personal difficulties.
- Do not remove company or patient property without written approval. Legacy will prosecute any person who steals Agency property.
- Consider all Agency regarding patients, fellow employees and other company business confidential and protect this confidentiality accordingly.
- Your conduct in your private and professional life should remain consistent with the responsible image that the Agency must project to its patients, visitors, and the public.

## **RIGHTS AND RESPONSIBILITIES OF THE PATIENT (ENGLISH & SPANISH)**

As an Agency patient or client, you have the right for your service provider to inform you of your rights and responsibilities before initiating care or service. This agency actively works to *prevent, respond to* and *report* patient abuse or neglect. You should know that if a court finds a patient or client incompetent, the family or guardian may exercise the patient's rights on behalf of the patient.

*Rights. You have the right to:*

1. Receive services appropriate to your needs and expect the organization to provide safe, professional care at the level of intensity needed, without unlawful restriction by reason of age, sex, race, creed, color, national origin, religion, disability or sexual orientation.
2. Have access to necessary professional services 24 hours a day, 7 days a week.
3. Information about services available.
4. Information about the ownership and control of the organization.
5. Information, upon your request, about whether the organization's liability insurance will cover injuries to employees when they enter your home, and whether it covers theft or property damage that occurs during your treatment.

*Care. You have the right to:*

1. Involvement in your care planning, including your active participation in the development of your Individual Service Plan.
2. Receive reasonable continuity of care.
3. Information of your rights and responsibilities in advance concerning care and treatment you will receive, including any changes, the frequency of care/service and by which disciplines.
4. Information about the nature and purpose of any technical procedure to be performed, including information about potential benefits and risks as well as who will perform the procedure.
5. Receipt of care/service from staff qualified through education and/or experience.
6. Referral to other agencies and/or organizations when appropriate, including any financial benefit to the referring agency.

*Respect and confidentiality. You have the right to:*

1. Treatment with consideration, respect and dignity, including providing privacy during care.
2. Have property treated with respect.
3. Have staff communicate in a language or form that you can reasonably be expected to understand. When needed and possible, the organization assists with or may provide special devices, interpreters or other aids to facilitate communication.
4. Maintenance of confidentiality of your clinical records in accordance with legal requirements and to anticipate that the organization will release information only with your authorization or as required by law.
5. Information about the organization's policies and procedures for disclosure of your clinical record.

*Financial. You have the right to:*

1. Information of the extent to which you may expect payment from Medicare, Medicaid or any other payer.
2. Information regarding charges not covered by Medicare and/or responsibility for any payment(s) that you may have to make.
3. Receive this information orally and in writing before the initiation of care and within 30 days of the organization becoming aware of any changes.



*Self-determination. You have the right to:*

1. Refuse all or part of your care/treatment, to the extent permitted by law, and to information about the expected consequences of doing this.
2. Information in writing of your rights under state law regarding advance directives.
3. Have the organization comply with advance directives according to state law and requirements.
4. Information about the organization's policies and procedures for implementing advance directives.
5. Receipt of care whether or not you have an advance directive in place, as well as freedom from discrimination related to the presence or absence of an advance directive.
6. Information regarding the organization's policies for withholding resuscitative services and the withdrawal of life-sustaining treatment, as appropriate.
7. Choose not to participate in research or not receive experimental treatment unless you give documented, voluntary, informed consent.
8. Information about what to do in an emergency.
9. Participate regarding ethical issues that may arise in your care.

*Complaints. You have the right to:*

1. Register complaints within and outside the organization.
2. Information about the State Hotline at **1-800-458-9858**.

*Responsibilities. You have the responsibility to:*

1. Provide complete and accurate information about your illness, hospitalizations, medications and other matters pertinent to your health; any changes in address, phone, or insurance/payment information; changes made to advance directives, and changes in homebound status.
2. Inform the organization when you will not be able to keep your appointment.
3. Treat the staff with respect.
4. Participate in and follow your plan of care.
5. Provide a safe environment for receipt of care.
6. Cooperate with staff and ask questions if you do not understand instructions or information given to you.
7. Assist the organization with billing and/or payment issues to help with processing third party payment.
8. Inform the organization of any problems or dissatisfaction with services.

## **DERECHOS Y RESPONSABILIDADES DE EL CUIDADO DEL HOGAR PACIENTE/CLIENTE**

Como un paciente/cliente del servicio cuidado en el hogar, usted tiene el derecho por su proveedor del servicio informativo de sus derechos y responsabilidades antes de iniciar el servicio de cuidado en el hogar. Usted debe saber si la corte encuentra un paciente/cliente incompetente, la familia o guardianes del mismo pueden ejercer los derechos mencionados abajo.

*Derechos. Tiene el derecho a:*

1. Recibir servicios apropiados y necesarios y espera la organización del servicio en el hogar proporcionar cuidado seguro, profesional al nivel de intensidad requería, sin restricción ilegal por causa de edad, sexo, raza, credo, color, origen nacional, religión, incapacidad u orientación sexual.
2. Tiene acceso a servicios profesionales necesarios 24 horas al día, 7 días por semana.
3. Información sobre servicios disponible.
4. Información sobre la administración y gerencia de la organización.

5. Información, en su demanda, sobre si el seguro de la obligación de la organización cubrirá lesiones a empleados cuando entran su hogar, y si cubre robo o propiedad dañada que ocurre durante su servicio de tratamiento.

*Cuidado. Tiene el derecho a:*

1. Involvemento en la planificación de su cuidado, incluyendo participación activa en el desarrollo del plan de servicio individual.
2. Recibe continuidad razonable de cuidado.
3. Información de sus derechos y responsabilidades de antemano acerca de cuidado y tratamiento que recibirá, incluso cualquier cambio, la frecuencia de cuidado/servicio y por las disciplinas.
4. Información sobre la naturaleza y propósito de cualquier procedimiento técnico, incluso información sobre beneficios potenciales y riesgos así como se ejecutara el procedimiento.
5. Recibir servicio de cuidado de empleados cualificados por educación y/o experiencia.
6. Referir a otras agencias y/o organizaciones, cuando sea apropiado, incluso cualquier beneficio financiero a la agencia del referido.

*Respeto y (confidencial). Tiene el derecho a:*

1. Tratamiento con consideración, respeto y dignidad, incluyendo privacidad durante el cuidado.
2. La propiedad será tratada con respeto.
3. Los empleados se comunicaran en un idioma o forma que podrá entender. Cuando sea necesario y posible, la organización asistirá o proporcionaría aparatos especiales, intérpretes u otras ayudas para facilitar comunicación.
4. Mantenimiento confidencial de sus archivo clínicos de acuerdo con requisitos legales y anticipar que la organización dará información solo con su autorización o requirió por la ley.
5. Información sobre las reglas de la organización y procedimientos de revelación de su registro clínico.

*Financiero. Tiene el derecho a:*

1. Información de la magnitud de pago en forma de Medicare, Medicaid o cualquier otra fuente.
2. Información con respeto a cargos no cubierto por Medicare y/o responsabilidad por cualquier pago(s) este tiene que hacer.
3. Recibe esta información oral y por escrito antes de iniciarse los servicios de cuidado y dentro de 30 días cuando la organización se entera de cualquier cambio ocurrido.

*Libre determinación. Tiene el derecho a:*

1. Derecho de rechazar por completo o parte de su cuidado/tratamiento, a la magnitud permitió por ley, y la información sobre las consecuencias de hacer esto.
2. Información por escrito de sus derechos bajo ley estatal con respeto a directivas de antemano.
3. La organización cumple con las directivas de antemano según la ley estatal y requisitos.
4. Información sobre las pólizas de la organización y procedimientos por llevar a cabo directivas de antemano.
5. Recibo del cuidado teniendo o no directiva de antemano, así como libertad de discriminación relacionado con la presencia o ausencia de las directivas de antemano.
6. Información con respeto a las pólizas de la organización por detener servicios del resucitamento y el retiro del tratamiento de sobreviviente, como apropiado.
7. Escoge no participar en investigación o no recibe tratamiento experimental a menos que de documentación, voluntariamente, informe de consentimiento.
8. Información de que hacer en una emergencia.
9. Participación con respecto de asuntos éticos que sucedan en su cuidado.

*Quejas. Tiene el derecho a:*

1. Registrar quejas dentro y fuera de la organización.
2. Información sobre la línea de emergencia Estatal a **1-800-458-9858**.

*Responsabilidades. Tiene la contestación-habilidad a:*

1. Proporciona información completa y exacta sobre su enfermedades, hospitalizaciones, medicamentos y otra información pertinente a su salud; cualquier cambios en dirección, teléfono, o seguro, información de pago; cambios de directivas de antemano, y cambios sobre el estado de salir de su casa.
2. Informa la organización cuando no podrá guardar su cita del cuidado en el hogar.
3. Trate los empleados con respeto.
4. Participa en su planeamiento de cuidado.
5. Proporcione un ambiente seguro en el área de cuidado.
6. Cooperar con empleados y hacer preguntas si no entiende las instrucciones o información dada.
7. Asiste la organización con la facturación y/o pago para ayudar con el procesamiento de pago de tercero.
8. Informe la organización de cualquier problema o descontento con sus servicios

## **ABUSE & NEGLECT AND REPORTING OF ADVERSE EVENTS POLICY**

### **Definitions:**

- **Abuse** refers to negligently or willfully inflicting injury, unreasonable confinement, intimidation or cruel punishment resulting in physical or emotional pain or harm. It includes **sexual abuse**, referring to involuntary or nonconsensual sexual conduct that constitutes an indecent exposure or assault offense, or sexual exploitation.

#### **Possible Indicators of Abuse:**

**Physical:** Cuts, punctures, burns, bruises, welts

**Sexual:** Sexually transmitted disease, rectal bleeding

**Verbal:** Fear of perpetrator, low self-esteem, depression, caretaker cursing, yelling and / or screaming

**Neglect:** Malnourishment, dehydration, over-under medication, lack of utilities, (heat, water and/or electricity), poor personal hygiene, disorientation

**Exploitation:** Unusual activity in bank account, caregiver's name added to bank account, unpaid bills

- **Adult Abuse** refers to abuse to elderly persons (65+) and adults with disabilities: Negligent or willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment resulting in physical or emotional harm or pain.
- **Neglect** refers to the failure to give one's self the goods or services, including medical services, necessary to avoid physical or emotional harm or pain, or a caretaker's failure to provide such goods or services.
- **Child abuse** involves the following acts or omissions by a person:
  - (1) mental or emotional injury to a child that results in impairment in the child's growth, development or psychological functioning,
  - (2) causing or permitting a child to remain in such a situation,
  - (3) physical injury or threat of physical injury that results in substantial harm (excluding reasonable punishment)
  - (4) failure to make a reasonable effort to prevent injurious actions by others,
  - (5) sexual conduct harmful to a child's mental, emotional or physical welfare and/or failure to prevent such sexual conduct, including filmed or photographed conduct.
- **Exploitation** is the illegal or improper act or process of a caretaker, family member or other person who has an ongoing relationship with a person and uses their resources for monetary or personal benefit, profit or gain, without the informed consent of such person.
- **Family violence** refers to an act by a member of a family or household against another member of the family or household intended to result in physical harm, or that reasonably places the member in fear of imminent physical harm, but does not include defensive measures to protect ones-self.
- **Child neglect** involves a parent or guardian leaving a child in a situation where the child has exposure to substantial risk of physical or mental harm, without arranging for necessary care, and demonstrating intent not to return. It includes the following acts or omissions:

- (1) Placing a child, or failing to remove a child from, a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities, that result in bodily injury or substantial risk of harm to the child.
- (2) Failing to seek, obtain or follow through with medical care for a child when such failure poses substantial risk of death, disfigurement or bodily injury or the failure results in an observable and material impairment to the child's growth, development or functioning.
- (3) Failing to provide a child with food, clothing or shelter necessary to sustain the life or health of the child, excluding failure caused mainly by financial inability unless the person has refused offered relief services.
- (4) Placing a child in, or failing to remove the child from, a situation in which they would receive exposure to substantial risk of harmful sexual misconduct.
- (5) A person having responsibility for a child's care, custody or welfare failing to arrange for necessary child care while awaiting the child's return to their home; this includes care in residential treatment and after running away.

**Policy:**

This agency will follow Health & Safety Code 253.001 (Reportable Conduct).

The agency employees are to always ensure an environment that promotes health, safety and well-being for all clients. Each client has the right to live and receive services in a comfortable environment that promotes independent, open communication and prompt service delivery.

All employees, volunteers, and independent contractors of the agency shall report suspected abuse, sexual abuse, neglect and/or exploitation of a client to an Agency supervisor and the supervisor, with the assistance of the employee, will report the suspicions to the appropriate state agencies immediately (within 24 hour time frame). These agencies are the Department of Family and Protective Services (DFPS- **APS or CPS**) and the Texas Department of Aging and Disability (DADS) Consumer Rights and Service Complaint Line (**CRS**), to the numbers listed under PROCEDURE below.

Clients will be informed of this policy, verbally and in writing, during the admission process.

**Procedure:**

- Any actual, alleged or potential threat of abuse, sexual abuse, exploitation or neglect by an employee, volunteer, or contractor of the agency is to be reported immediately to the **Department of Family and Protective Services (DFPS) at 1-800-252-5400, Texas Department of Aging and Disability (DADS) Consumer Rights and Services Complaint line at 1-800-458-9858, and the administrator.** A complaint/incident report is to be completed by the person reporting the abuse and submitted to his or her respective manager, or supervisor. The Administrator is responsible for ensuring that all policies regarding abuse, incidents, and related disciplinary action, are followed.
- Any employee, volunteer, or contractor of the agency suspected of abuse, sexual abuse, neglect, or exploitation, will be suspended from working with or having contact with Agency clients and an investigation will be conducted by the agency and the appropriate state agency. If the investigation validates the claim, the employee or contractor will be terminated and the incident(s) reported to appropriate state department, state licensing board or law enforcement official within the HIPAA guidelines. The documentation will report only observations and statements by the people involved, not opinions or conclusions. The Agency will track and keep copies of reports filed with state agencies or local law enforcement.
- **All health care professionals who suspect abuse, neglect or exploitation, whether employed or contracted, have the legal obligation to report their suspicions to the Texas Department of Family and Protective Services (DFPS).** All agency employees and contractors must immediately report any such suspected incidents to their supervisor, and with the employee's assistance, the supervisor will report to the DFPS or other state agency as required by law.

- All agency employee, volunteers, and contractors must report any unprofessional conduct by a licensed health care professional to their immediate supervisor.
- **Any nurse or professional that suspects that a patient is a victim of family violence has the legal obligation to provide the patient with written notice of their rights** as mandated by the state of Texas. The written notice of patient rights is provided during the admission process.
- The Agency will report incidents of family violence to a local law enforcement agency.
- As a matter of written policy, at time of hire the Agency requires you to sign an acknowledgement affirming that you have read its policies on abuse, neglect and exploitation and that you agree to comply with and be bound by these policies. As a matter of standard practice—not written policy—the Agency may ask you to sign this acknowledgment again at the beginning of each year.
- Legacy Home Health Agency, Inc. encourages its care and service delivery staff to educate themselves and their patients regarding the services available in the community. Calling telephone directory information or checking the yellow pages will provide numbers and information about many services. You will find some of the most frequently needed numbers below:

### **Community Services and Abuse Reporting Hotline Numbers**

- Aids Information for the Deaf..... 1-800-252-8012
- AIDSLINE ..... 1-800-299-2437
- Alzheimer’s Information Referral ..... 1-800-523-2007
- Alzheimer’s Program ..... 1-800-242-3399
- American Diabetes Assn. .... 1-800-342-2383
- Arthritis ..... 1-800-442-6653
- Assistance for the Blind..... 1-800-252-5204
- Cancer Information..... 1-800-422-6237
- Children’s Protective Services..... 1-512-854-2011
- Deaf relay, if have TTY..... 1-800-735-2989
- Deaf relay, if no TTY ..... 1-800-735-2988
- Drug Abuse Hotline ..... 1-800-662-4357
- Elderly/Person with a Disability/Children Abuse ..... 1-800-252-5400
- Home Health Hotline ..... 1-800-228-1570
- Texas State Abuse Hotline, TX Dept. of Protective Serv..... 1-800-252-5400
- Texas Department of Aging..... 1-800-252-9240
- Texas Library for the Blind ..... 1-800-252-9605
- Texas Department of Human Services..... 1-512-438-3011

## **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA)**

HIPPA is a law passed by congress in 1996, which mandates the creation of patient privacy rules, and requires the patients' authorization for any disclosure of protected information. These rules are meant to prevent unauthorized disclosures to anyone outside the Agency.

HIPPA covers all forms of information including paper, oral, and electronic. **HIPPA provides both civil and criminal penalties against both the Agency and the individual for violations ranging up to \$250,000 in fines and 10 years in prison.**

Any person who willingly violates a patients privacy rights will result in disciplinary action up to and including termination. Any questions or potential known violations in reference to HIPPA laws should be directed to a supervisor.

### **10 Step Quick Reference HIPPA Guide**

1. Use lowered voice for all verbal communication that might disclose personal health information (PHI).
2. Never "call out" any information that might be considered as personal, e.g. tests required or taken, test results, medications, devices used, etc.
3. Do not allow computer screens to be viewed, intentionally or unintentionally, by unauthorized persons.
4. Exit all programs that might contain personal health information when leaving a computer workstation for a period of time.
5. Be certain that "sign-in" sheets do not require "reason for visit" information.
6. All chart holders must effectively obscure patient information.
7. All email, written, and faxed PHI must be clearly marked "confidential" and contain a privacy warning.
8. Never leave files or folders open or unattended. Filing cabinets, etc., containing PHI must be secured and locked.
9. Do not share computer passwords. Change them regularly.
10. Take every precaution to control personal health information.

### **CONFIDENTIAL INFORMATION**

It is Agency policy that all employees shall keep in strict confidence all information received regarding clients, prospects, employees, former employees, and all other affairs of the Agency's business. Any release of confidential information is grounds for disciplinary action up to and including immediate termination.

Information obtained and documents produced during employment are the property of the Agency and may not be removed from the premises without prior authorization. Our clients and attendants entrust the Agency with important information. The nature of this relationship requires maintenance of confidentiality. In safeguarding the information received, the Agency earns the respect and further trust of our clients and attendants. Communications between a client and Agency personnel are confidential, as are communications among Agency personnel. Accordingly, employees should not discuss Agency business with friends or relatives outside the Agency nor should any employee release information regarding a client or a transaction unless specifically authorized to do so. Correspondence, drafts, or files concerning a client or concerning Agency confidential information should not be left in public areas within the Agency. Additionally, such documents may not leave the office without prior authorization and shall be returned upon request.

In addition, such private and confidential information should be given only to those persons in the Agency who have a need and authority to know in order to function in their jobs. Such information may not be used for personal benefit during employment, and may not be used in any matter after termination of employment with the Agency.

Individual salaries and compensation levels are considered to be confidential information. Discussion of compensation with employees other than your supervisor, the Human Resource Department, or Payroll Department is prohibited. **Under no circumstance** may employees who have access to confidential payroll information discuss it with anyone other than their supervisor, the Human Resource Department, or Payroll Department. If you hear, see or become aware of anyone violating this policy, you must report it immediately to the Human Resources Department. Because of its seriousness, disclosure of client confidential information may lead to disciplinary action including, but not limited to, termination.

### **CONFLICT OF INTEREST**

The Agency conducts its affairs in accordance with the highest standards of integrity with no deviation from complete honesty in business transactions. The Agency absolutely forbids using Agency funds or internal business information for improper purposes or dishonest practices. The policy applies to all personnel, including the Governing Body and Advisory Board members.

The Agency defines a conflict of interest as someone using knowledge or information acquired through their professional relations with clients or in conducting Agency business, to their own advantage or profit.

All personnel must

- Act in the course of their duties solely in the best interest of the Agency, without consideration to the interests of any other agency, organization or association with which they have association.
- Refrain from taking part in any transaction where such person(s) do not believe in good faith that they can act with undivided loyalty to the Agency.
- Disclose any material, financial or other beneficial interest they have with any entity engaged in delivering goods or services to the Agency or its members.
- Disclose any transactions with the Agency that would result in any benefit to themselves, their immediate families, or any entity in which they hold a significant financial ownership or other interests, and refrain from participation in any action on such matters except upon approval of the governing body after full and frank disclosure.

During the orientation process, the Agency requires all personnel to sign an agreement that includes statements related to confidentiality. In the event that a situation arises whereby Agency personnel could use confidential or privileged Agency information for personal gain, they must report that potential to the Administrator.

### **RED FLAGS RULE – IDENTITY THEFT PROTECTION POLICY**

All health care organizations are required to follow the Federal Trade Commission's Red Flags Rule to ensure the privacy and security of patient personal information. All employees are responsible for reporting actual, potential, or suspected incidents of fraud and for adequately responding to reports of the misuse of someone's identity to commit fraud. Identity Theft includes the fraudulent use of a person's non-public information including but not limited to a person's social security number, birthdate, driver's license number, credit card numbers; bank account numbers. The fraudulent use of this information includes but is not limited to use of a person's information to get medical services or goods or to file false claims for medical services or goods.

The Agency strictly adheres to a non-retaliation policy toward any employee who reports potential, actual or suspected fraud or abuse.



## **FALSE CLAIMS, FRAUD, ABUSE, WASTE AND WHISTLEBLOWER PROTECTION POLICY**

The **False Claims Act** (31 U.S.C. §3729 et seq.), also called the "**Lincoln Law**", is a federal law that imposes liability on persons and companies who defraud governmental programs. This law imposes liability on any person who knowingly

- Submit for payment or reimbursement for a claim to be false.
- Uses a false statement or record to get a false claim paid or approved for payment by the government.
- Is involved in a conspiracy to defraud the government by submitting a false claim
- Avoids, conceals or decreases an obligation to pay money to the government.

To ensure compliance with this policy, the following is required of all Agency employees, agents, representatives, contracts, etc.

1. All company agents and representatives must conduct themselves in an ethical and legal manner at all times. For additional information please refer to LEGACY Ethics policy, which is available through the Human Resources Department.
2. Accurate records will be maintained related to the business activity of all Legacy agents and representatives.
3. All Legacy agents and representatives are responsible for reporting actual, potential, or suspected incidents of false claims, fraud, waste, abuse and/or other wrongdoing by Legacy directly to their supervisor, executive management, or the Human Resources Department as outlined in the procedures below. An employee may also anonymously report any suspected incidents to the **Texas Hotline for Fraud & Abuse 1-800-892-8348**.
4. Legacy will provide information to all employees, agents, and representatives about false claims, fraud, waste and abuse, the detailed provisions of the State and Federal False Claims Acts, the Federal Program Fraud Civil Remedies Act, and relevant administrative, civil and criminal penalties, and other provisions as needed through General Orientation, Attendant Orientation, the Employee Handbook, Attendant Hire Packet, and the contracting process (when appropriate). Copies of the Texas False Claims Act (Section 6032 of the Deficit Reduction Act) and Whistleblower Rights, Protections and Remedies will be available upon request, and are reference in this policy.
5. The supervisor who receives the complaint has responsibility for receiving and acting upon any and all information suggesting the possibility of fraud, abuse, or other wrongdoing; and for directing any resultant investigation.
6. This Agency strictly adheres to non-retaliation policy towards any agent or representative who reports potential, actual or suspected fraud or abuse.

## **ILLEGAL REMUNERATION AND SOLICITATION POLICY**

No health care provider shall offer, make, solicit or receive payment, directly or indirectly, overtly or covertly, in cash or in-kind, for referring or soliciting patients.

1. This Agency will not pay or otherwise remunerate any physician or referral source for patient referrals to the Agency.
2. Administration will inform employees during orientation of the Agency's policy regarding remuneration and solicitation.
3. Employees may not intentionally offer to pay or agree to accept remuneration for securing or soliciting patients or patronage.
4. Employees may not solicit referrals through coercion or harassment.
5. **The Client has the right to choose the Agency he or she wishes to attend without pressure or enticement of any kind.**

6. **Once the Client is receives services from an Agency, any decision to continue or change must be made by the client based on his or her personal preference.**
7. Employees may not solicit private employment for themselves or others from current Agency patients.
8. Employees who previously worked for another home health agency that provides services within the same geographical area of this Agency may not solicit patients to change agencies.
9. Employees may inform previous patients of their new employment, but may not actively assist the patients to change agencies
  - a. Employees may inform previous patients of their right to change agencies, but must advise patients to notify their current agency and physician if they wish to change agencies.
10. Employees who receive or pay illegal remuneration may:
  - a. Have their employment terminated immediately
  - b. Be reported to their state licensing agency.

### **REPORTING INFORMATION TO SUPERVISOR**

This is a notice to all Attendants on procedures for reporting information to their immediate Supervisors:

- Attendants are to report any suspicious behavior in the client's home to their immediate Supervisor. This includes unsafe conditions or inappropriate behavior or gestures by the client.
- Attendants are to report any changes in the client's condition. this is to be reported at the time it occurs. The following are situations that have to be reported:
  - Falls
  - Injuries
  - Skin Breakdowns
  - Hospitalizations
  - Any change in condition
- Attendants are to report any absences from your scheduled work hours to your immediate Supervisor at least an hour prior to the time you are scheduled to work. If it is before 8:00am or after 5:00pm, you are to talk with the Supervisor on call. Do not leave messages with the Answering Service. You must speak to the Supervisor.
- Initially, Attendants are hired on a part-time basis, and assigned a particular client or clients. If your assignment ends, or your hours are reduced, it is the attendant's responsibility to inform the supervisor within 3 working days of your availability and desire for further assignment.

I have been informed on the above information and understand what my responsibilities are as an employee for Legacy. It is my obligation to follow the above procedures.

### **REPORTAR INFORMACION AL SUPERVISOR/A**

Este Aviso es para orientar a todas(os) las/los proveedoras(es) sobre los procedimientos para repórter información a su supervisor(a).

- Las/los proveedoras(es) deberán de informar a su supervisor(a) cualquier conducta sospechosa en el hogar del cliente. Esto incluye condiciones peligrosas, o conducta o gestos inapropiados por parte del cliente. Estos reportes se deben de efectuar inmediatamente.
- Las/los proveedoras(es) deberán de repórter inmediatamente información sobre la condición del cliente, si lo siguiente sucede:
  - Caídas
  - Heridas
  - Cambio en la Condición de la piel

- Hospitalizaciones
  - Cualquier otro cambio en la condición de el paciente
- Las/los proveedoras(es) deberán de informar cualquier ausencia de sus horas planificadas de trabajo a su supervisor(a) por lo menos una hora antes del tiempo que se debe repórtar a su trabajo. Si es antes de las 8:00 AM o después de las 5:00 PM, hable con el Supervisor al número donde se contestan llamadas después de horario regular. No se le permite que deje mensaje en una maquina que contesta llamadas. Por favor asegúrese de que el mensaje lo reciba el/la supervisor/a de turno.
  - De principio la posición de proveedor(a) es de tiempo medio o parcial, y se le asigna uno o mas clientes en particular. Si su labor con ese o esos clientes concluyen, o sus horas son reducidas, es la responsabilidad de el/la proveedor/a de informarle a su supervisor/a dentro de tres días de su interés y disponibilidad para otra asignación de trabajo.
  - He recibido la información y comprendo cuales son mis responsabilidades como empleado de la agencia. y entiendo, y estoy dispuesta/o a seguir estas y todas las reglas y procedimientos de la agencia.

### **EMPLOYEE RELATIONS – OPEN DOOR POLICY**

The Agency encourages an open door policy in which any employee may deal directly with their supervisor, within the chain of command, regardless of complaints.

Under most circumstances, when you have a job-related problem, question or complaint, you should discuss it initially with your supervisor. If the problem relates to an issue of harassment, please see the Harassment Policy for the proper reporting procedures.

If the discussion with your supervisor does not answer your questions or resolve the matter to your satisfaction, you may then present your questions or concerns to the next level of management in your chain of command. If the problem is not resolved, continue up the chain of command until you reach the Administrator of the Agency. If during the process you have a strong reservation about discussing the problem within your chain of command, you may contact the Human Resources Department.

### **PERFORMANCE EVALUATION**

Administration evaluates the performance of each attendant on an annual basis. The attendant must work continuous for a year prior to evaluation. If you do not work for the Agency for at least three months, a new criminal history background check will be done prior to returning to work. Nurse Aide Registry and Employee Misconduct Registry will be done annually.

# **COMPENSATION AND AGENCY STANDARDS**

## **WAGE & SALARY POLICIES**

The Agency retains complete discretion over setting wage and salaries. The Agency attempts to determine compensation levels on a local area comparable to those of other employees with similar jobs and contribution in our industry. Our wage and salary policy is designed to attract and retain the best qualified people available.

You are employed by the Agency and will be carried directly on our payroll. No person may be paid directly out of petty cash or any other such fund for work performed.

**The Work Week** - The pay week for calculating time is Sunday through Saturday, beginning and ending at midnight on these days.

**Pay days** - All employees are paid semi-monthly on the 1st and 16th of every month. In the event that a regularly scheduled payday falls on a holiday or weekend, the employee will receive pay on Friday if the payday or holiday falls on Saturday or Monday if it falls on Sunday. To ensure the security of your paycheck, it will be issued only to you personally unless you provide written authorization for us to release it to another person.

**Paycheck Deductions** - The Agency is required by law to make certain deductions from your paycheck each time one is prepared. Among these are your federal income taxes and your contribution to Social Security as required by law. These deductions will be itemized on your check stub. The amount of deductions may depend on your earnings and the information you furnish on your W-4 form regarding the number of dependents/ exemptions you claim. Any change in name, address, telephone number, marital status or number of exemptions must be reported to Human Resources immediately to ensure proper credit for tax purposes. The W-2 form you receive each year will indicate precisely how much of your earnings were deducted for these purposes.

**Deductions (Other)** - The Agency reserves the right to make deductions and/or withhold compensation from an employee's paycheck as long as such action complies with applicable state and federal law. In addition, it may be possible for you to authorize the Agency to make additional deductions from your paycheck for extra income taxes.

**Error In Pay** - Every effort is made to avoid errors in your paycheck. If you believe an error has been made or you have a question about your pay, notify your manager or the Payroll department immediately. If you believe your pay has been improperly docked notify the Payroll department immediately, who will take the necessary steps to research the problem and to assure that any necessary corrections are made properly and promptly.

**Time off to Vote** - Voting polls are open from 7:00 A.M. to 7:00 P.M. on Election Day. Legacy encourages each employee to vote before or after coming to work, however if you do not have sufficient time please see your supervisor about altering your schedule for that day. You must request the time from your supervisor at least one day prior to Election Day to make appropriate staffing arrangements.

**Military Leave of Absence** - Employees who are called for duty in the armed forces (state or federal branch of service) are entitled to unpaid leave of absence. The amount of leave to which you may be entitled depends on whether you are called to active duty or for training in either the state or federal reserves.

Employees who voluntarily join the armed services may also be entitled to unpaid leave under applicable federal or state laws. To receive these benefits, you must notify the Director of PHC/CBA Services as soon as you are aware that you have been called for duty in any of the uniformed services. Likewise, if you would like further information concerning military leaves of absences; please contact the Human Resources Department.

**Time off to Observe Religious Holidays** - If possible, we will allow time off without pay to observe religious holidays. Agency employees must notify management of the intent to take time off to observe a religious holiday at least three weeks before the date of the religious holiday.

### **TIME RECORDS/TIME SHEETS**

All employees must maintain accurate time records. It is a condition of employment that all employees record every minute of their time worked.

No work shall be performed by employees prior to their clocking in at the start of their work schedule, or after they have finished their work schedule. In other words, working “off the clock” is strictly prohibited. No one in the Agency has the authority to ask, encourage, or insinuate that you should work off the clock. If at any point you believe you are being pressed to work “off the clock” by anyone in the Agency, please notify the Human Resources Department immediately.

All time worked must be recorded. All time sheets must be signed verifying that the hours as recorded are correct. All timesheets **MUST** be turned in no later than the 3<sup>rd</sup> day after time is completed, or you risk delaying your paycheck.

### **FALSIFYING RECORDS**

The Agency may immediately terminate employees who knowingly falsify employment or work records. This pertains to all work related documents including: time sheets, employment applications and other work related documents.

### **OVERTIME PAY**

Per the Department of Labor, Supreme Court case, *Coke vs. Long Island Home Care*, decided on June 11, 2007, Home Health Care Workers (domestic service employment to provide companionship services for individuals....unable to care for themselves) are not covered by either minimum wage or overtime pay requirements.

### **BENEFITS**

Benefits are not covered under the Department of Labor, however, under the laws of the State of Texas employers are not required to provide benefits and employers must be consistent in their practices.

The Agency will provide the minimum health insurance benefits required by law for qualifying employees.

Legacy has been in operation for a number of years and it has been their policy for PAS (formerly PHC/CBA) Program **not to provide** Attendants (Home Health Care Workers) benefits that include, but are not limited to paid vacations hours or sick leave hours.

Attendants are eligible to participate in a 401K plan. To qualify for participation, the employee must have been employed with the Agency for 12 consecutive months, without a break in employment, and must have worked at least 1000 hours during that period of employment with the Agency

## **WAGE DEDUCTION AUTHORIZATION AGREEMENT**

Legacy may deduct money from employee pay from time to time for reasons that fall into the following categories:

- (1) Share of the premiums for the Agency's group medical/dental plan;
- (2) Any contributions made by employee into a retirement or pension plan sponsored, controlled, or managed by the Agency;
- (3) Installment payments on loans or wage advances given to employee by the Agency, and if there is a balance remaining when employee leaves the Agency, the balance of such loans or advances;
- (4) Installment payments on loans based upon store credit that employee used for own personal purchases, including the value of merchandise or services that employee purchased or had purchased for personal, non-business reasons using employee charge account, an account assigned to another employee, or a general Agency account, regardless of whether such purchase was authorized, and if there is a balance remaining when employee leaves the Agency, the balance of such store credit or charges;
- (5) If employee receives an overpayment of wages for any reason, repayment to the Agency of such overpayments (the deduction for such a repayment will equal the entire amount of the overpayment, unless the Agency and employee agree in writing to a series of smaller deductions in specified amounts);
- (6) The cost to the Agency of personal long-distance calls employee may make on Agency phones or on Agency accounts, of personal faxes sent by employee using Agency equipment or Agency accounts, or of non-work related access to the Internet or other computer networks by employee using Agency equipment or Agency accounts;
- (7) The cost of repairing or replacing any Agency supplies, materials, equipment, money, or other property that employee may damage (other than normal wear and tear), lose, fail to return, or take without appropriate authorization from the Agency during employee employment, (except in the case of misappropriation of money by employee, employee understands that no such deduction will take my pay below minimum wage, or, if employee is a salaried exempt employee, reduce the salary below its predetermined amount);
- (8) The cost of Agency uniforms and of cleaning the uniforms;
- (9) The reasonable cost or fair value, whichever is less, of meals, lodging, and other facilities furnished to employee by the Agency in connection with employment;
- (10) Administrative fees in connection with court-ordered garnishments or legally- required wage attachments of my pay, limited in extent to the amount or amounts allowed under applicable laws;
- (11) If employee takes paid vacation or sick leave in advance of the date employee would normally be entitled to it and employee separates from the Agency before accruing time to cover such advance leave, the value of such leave taken in advance that is not so covered;
- (12) The value of any time off for absences to which paid leave is not applied (non-exempt salaried employees will have all such unpaid leave deducted from their salary, while exempt salaried employees will experience salary reductions in units of a full day at a time unless partial-day deductions are specifically allowed under federal law); and
- (13) If employer pays any insurance premiums or retirement system contributions ("payments") on employee's behalf that employee would normally make under the applicable Agency benefit plan, the amount of such payments made by the Agency, such payments being in advance of future wages payable to employee

Employee agrees that the Agency may deduct money from the employee's pay under the above circumstances, or if any of the above situations occur. Employee further understands that the Agency has stated its intention to abide by all applicable federal and Texas wage and hour laws and that if employee believes that any such law has not been followed, employee has the right to file a wage claim with appropriate Texas and federal agencies.

## **FAMILY AND MEDICAL LEAVE ACT POLICY**

**Purpose:** The Agency recognizes that it is important for employees to have leave for serious medical conditions, to participate in early child rearing, and to care for family members who have serious health conditions. Accordingly, as required by law, the Agency will permit eligible employees to take family or medical leave (“FMLA leave”), in accordance with the terms of this policy.

**Eligibility:** In order to be eligible to take family or medical leave, an employee must be employed by the Agency for at least twelve (12) months, and must have worked at least 1,250 hours in the immediate past year before the date of the requested leave. Also, an employee must be employed at a worksite where the Agency employs 50 or more employees at the worksite or within 75 miles of that worksite.

**Entitlement to leave:** An eligible employee shall be entitled to take up to twelve (12) weeks of unpaid leave in a (12) month period for any of the following reasons:

- To care for a newborn child;
- For the placement of a child with the employee for adoption or foster care;
- To care for a spouse, child or parent of the employee who has a serious health condition; or
- Because of the employee’s own serious health condition.

An employee’s annual twelve week entitlement to family and medical leave will be calculated using a rolling calendar method. This means the Agency will measure backward twelve (12) months from the date the employee uses family and medical leave to determine the amount of leave to which the employee will be entitled, up to a maximum of twelve (12) weeks in any twelve (12) month period.

For those employees requesting leave to care for an immediate family member with a serious health condition, the Agency may require the employee to submit proof of the familial relationship, such as birth certificate or marriage license. Any such document will be promptly returned to the employee after it has been reviewed.

**Restoration to Employment:** An employee who takes family or medical leave in accordance with this policy shall have the right to return to the position he/she held prior to the leave or, in the discretion of the Agency, to an equivalent position with the same pay, benefits and terms and conditions of employment. The Agency may require a fitness-for-duty medical certification that the employee is able to return to work.

**Notification:** The Agency requires that, when the need to take family or medical leave is reasonable foreseeable, the employee must provide the Agency with at least thirty (30) days advance notice of his/her intention to request family or medical leave. In circumstances where the need to take family or medical leave is not reasonable foreseeable, the Agency requires that the employee provide as much advance notice as possible under the circumstances.

**Certificate of Health Conditions:** If an employee requests medical leave based upon his/her own serious health condition, or the serious health condition of a spouse, child or parent, the Agency may require, in its discretion, that the employee submit a medical certification, in a form approved by the Agency, which must be completed by the employee’s or family member’s health care provider, as appropriate, regarding the serious health condition. In addition, the Agency may require the employee to submit periodic re-certifications of the serious health condition. These re-certifications will be required every thirty (30) days or until the minimum duration of the last certification has elapsed, whichever period is longer.

Any medical certification must be returned by the employee within 15 days or the Agency may delay the commencement or continuation of the leave until the certification is submitted.

The Agency reserves the right to require an employee to obtain a second opinion of a second health care provider, at the Agency's expense, with respect to any medical certification. In addition, if there is a conflict between the employee's medical certification and the opinion of a second health care provider, the Agency reserves the right to require a third opinion, at the Agency's expense, by a health care provider chosen jointly by the employee and the Agency. The opinion of the third, jointly-chosen health care provider shall be binding on both the employee and the Agency.

**Status Reports:** An employee is required to contact his/her supervisor every two (2) weeks to report on his/her status and intent to return to work. Additionally, if the employee is able to return to work earlier than anticipated, the employee is required to provide the Agency notice within two (2) business days of the revised date of return.

**Intermittent Leave:** Under certain limited circumstances, an employee may be entitled to take medical leave on an intermittent or reduced schedule basis, when such leave is based upon his/her own serious medical condition, or the serious medical condition of a spouse, child, or parent. However, intermittent medical leave will be authorized only if intermittent leave is medically necessary as a result of the serious health condition. Moreover, the Agency reserves the right to temporarily transfer an employee requesting intermittent or reduced schedule leave to an alternative position which better accommodates the recurring periods of leave, with no decrease in pay or benefits.

**Non-Discrimination/Non-Retaliation:** The Agency will not interfere with, restrain or deny any employee's right to request family or medical leave in accordance with the terms and provisions of this policy. Furthermore, the Agency will not discriminate or retaliate against any employee for requesting family or medical leave, or for taking a family or medical leave of absence, in accordance with this policy.

**For further information on family medical leave:** If you have questions regarding this policy, please contact Human Resources.

### **WORKERS' COMPENSATION**

**The Agency does not provide Workers' Compensation Insurance Coverage to protect you from damage because of work-related illness or injury.** The Agency is known as a non-subscriber under Texas State insurance regulation; however, you may have rights under the common laws of Texas. You can ask any questions you may have regarding the above statement at this time.

### **WORKPLACE SAFETY VIOLATION REPORTING INFORMATION**

The Texas Worker's Compensation Commission has established a 24-hour toll free telephone number for reporting unsafe conditions in the workplace that may violate occupational health and safety laws. Employers are prohibited by law from suspending, terminating, or discriminating against any employee because he or she in good faith reports an alleged occupational health and safety violation. Contact the Division of Worker's Health and Safety, Texas Worker's Compensation Commission at 1-800-452-9595. You can ask any questions you may have regarding the above statement at this time.

### **INJURIES/ILLENESS**

Federal law (OSHA) requires that the Agency keeps records of all illnesses and accidents which occur during the workday. State law also requires that you report any illness or injury on the job, no matter how slight. Employees who sustain work-related injuries or illness should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately.

An employee that fails to report an injury within (24) twenty-four hours will be subject to disciplinary action up to and including termination



### **TRAINING AND IN-SERVICES**

The Agency periodically provides in-services for three main reasons: (1) to prevent or solve problems related to client services or care (2) to improve Agency efficiency, performance and quality in providing client care and services, and (3) to educate staff concerning important new information. It is expected that all attendants complete assigned training.

### **MISREPRESENTATION POLICY**

Any employee who willingly and willfully misrepresents the qualifications, abilities, or other attributes of another agency, or health care professional will be terminated from this agency. All new employees will be made aware of this policy upon hire.

### **NON-COMPETE POLICY**

Attendants may work for other agencies and health care organizations on a full or part time basis, but we expect our Agency attendants NOT to refer future or existing clients to another home health agency without first receiving specific administrative authorization to do so. Similarly, we expect our employees NOT to suggest or encourage clients to move to another agency without first receiving administrative approval.

### **NON-SOLICIATION POLICY**

Any person not employed by the Agency may not solicit for any purpose anywhere on the grounds or within the buildings owned by or leased by the Agency unless first obtaining approval from the Administrator.