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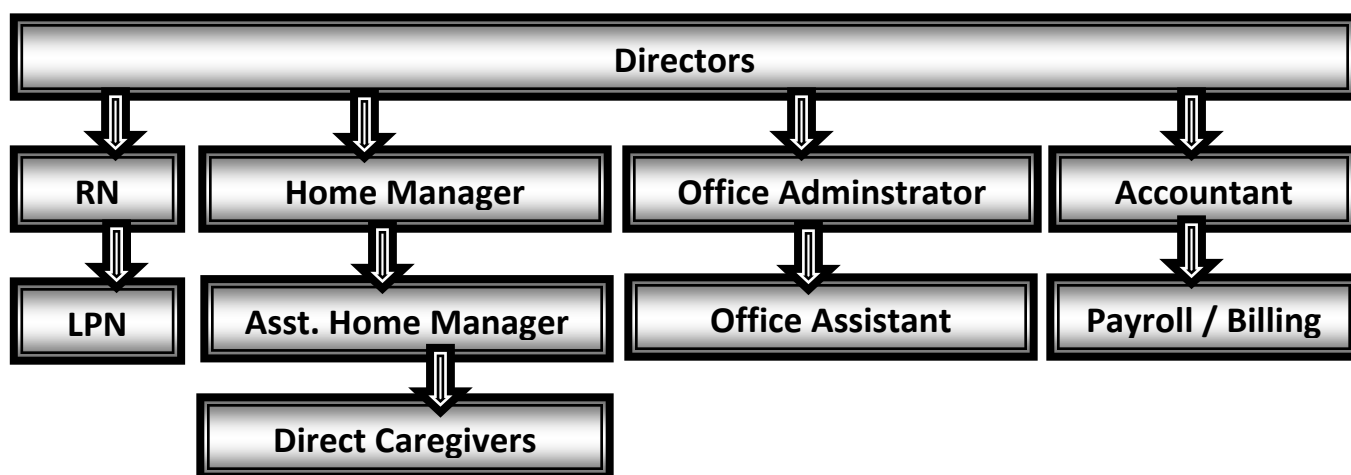
A. Company Structure

I. Organization

Above and Beyond Caregivers is incorporated in the state of Ohio as an LLC. The company was formed to provide service to individuals having Developmental Disabilities with the goal of being a great company to benefit and care for its employees and clients.

Our pledge to everyone who works here is to create with you an outstanding work environment that is fair and rewarding to all. Our pledge to the clients, their parents, guardians, and advocates for whom we are all here to serve is to create a team that is experienced, knowledgeable, caring, understanding and willing to support their needs and enhance their skills and quality of life by participating in their communities. – Crystal Sillah and Elisee Ndenga.

II. Chain of Command



Below is a brief description of the role of the position in the Chain of Command:

- ❖ **Director:** oversees all activities of the company, coordinate services implementation and represent the company at the county level – operating and financial.
- ❖ **Office Administrator:** assists the directors directly and coordinates the office employees and home supervisors with everyday office needs and data entry.
- ❖ **Accountant:** responsible for the company accounting needs, payroll and billing supervision.
- ❖ **Payroll / Billing Clerk:** data entry, run payroll, bill the state and county for services delivered.
- ❖ **Nurse(s):** responsible of all health services coordination and employees’ training to perform their duties regarding health and safety.
- ❖ **Office Assistant:** assists the office administrator directly and coordinates the office employees and home supervisors with everyday office needs and data entry.
- ❖ **Home Manager:** train / supervise the direct caregiving staff in the clients’ home, and ensure service delivery in accordance with the ISP and company policies.
- ❖ **Asst. Home Manager:** train / supervise the direct caregiving staff in the clients’ home, and ensure service delivery in accordance with the ISP and company policies.
- ❖ **Direct Caregivers:** provide habilitation services to our clients in accordance with the clients’ needs as outlined in their ISP and company policies.

B. Mission, Philosophy and Goal

I. Mission

The mission of Above and Beyond Caregivers, LLC is to provide the highest quality of services to individuals having developmental disabilities by creating for every client, their parents, guardians, and advocates we serve a team that is professional, experienced, knowledgeable, caring, understanding and willing to support their needs and enhance their skills and quality of life by helping them live, work and participate in their communities.

II. Philosophy

The philosophy of Above and Beyond Caregivers, LLC is that there will be no discrimination in providing services to individuals having developmental disabilities because of race, color, origin, or degree of disability; and that persons' self-esteem and dignity are linked to their ability to live as an independent member of their community.

III. Goal

The goal of Above and Beyond Caregivers is to provide the absolute best services to individuals with developmental disabilities, regardless of their degree of disability.

To support our mission, philosophy and goal Above and Beyond Caregivers provides the following services / assistances under the IO waiver and the supported living program:

- Health Services Coordination
- Medication Administration
- Limited Program Specialist Activities
 - Coordination of Assessment
 - Planning
 - Crisis Assistance
 - Ensuring Plan Implementation
 - Monitoring
- Behavior Management
- Assistance with setting / going to Appointments
- Meal planning and Diet
- Homemaking
- Personal Care
- Transportation (including wheelchair accessible vehicles)
- Shopping
- Recreation / Community Access
- Monthly Activities
- Payee ship thru PayCo, PMB, and Above and Beyond Caregivers
- Finances (Banking)
- Budgeting, Paying Bills
- Assistance with Filing Taxes
- Re-determinations
- Vacation planning
- Applying for and maintaining Benefits
- 24 hours a day, 7 days a week Emergency-On-Call System

1.a. Equal Employment Opportunity

I. Policy

The policy of Above and Beyond Caregivers, LLC is to recruit, select, train promote and transfer the most qualified person for the job. We will consider such factors as educational background, experience, proven skills, character traits, and growth potential. We will select from applicants based on qualifications held that are essential for an employee to perform well. These include factors such as ability, aptitude, capability, availability, experience, education, and willingness to work and serve all client needs.

The policy of Above and Beyond Caregivers, LLC is to offer equal employment opportunity to all persons without regard to race, color, religion, sex, age, national origin, or disability. No job applicant is to be discriminated against because of these factors.

The policy is intended to apply to recruiting, hiring, promotions, upgrading, layoff, compensation, benefits, termination, and all other privileges, terms and conditions of employment.

II. Procedures

1. It is the responsibility of the director / designee to make sure the policy is followed.
2. It is the responsibility of the director / designee to see all sources of employment including but not limited to, private employment agencies and state employment services are advised of our non-discriminatory policy.
3. It is the responsibility of the director / designee to address all questions regarding this policy.

1.b. Minimum Age Requirement by Waiver Services

I. Policy

In conjunction with state rule I.O. 5123:2-13-04 (F) (Standards and requirements for continuing certification of agency providers) it is the policy of Above and Beyond Caregivers, LLC that employees who have direct contact with individuals receiving homemaker / personal care services must be at least eighteen (18) years of age.

II. Procedures

1. It is the responsibility of the director / designee to make sure at the time of hire that all potential new employees are least eighteen (18) years of age.
2. It is the responsibility of the potential new waiver program employees to provide proof of being at least eighteen (18) years of age or he / she cannot be hired to provide homemaker personal care or transportation services to our clients.

1.c. New Hire

I. Policy

The policy of Above and Beyond Caregivers, LLC is to recruit, select, train promote and transfer the most qualified person for vacant positions. All supervisors must comply with the following procedures when hiring prospective employees.

II. Procedures

1. Job applications will be made available to applicants throughout the year; regardless of need for new employees.
2. Applications must be completed in their entirety and signed.
3. Completed applications will be kept on file for up to six (6) months.
4. When a need for new employees arises, supervisors will screen applications and select ones to interview.
5. Interviews will be conducted in accordance to policy 1.f.
6. After a successful interview:
 - a. Pre-Employment reference inquiries must be conducted in accordance with policy 1.e.
 - b. Pre-Employment background investigation must also be conducted in accordance with policy 1.h.
 - c. Potential employee must sign a copy of his / her schedule.
 - d. New hire orientation will be schedules and conducted in accordance with policy 1.m.
7. After an unsuccessful interview:
 - a. Document reasons for disapproval.
 - b. Attach document to the application and file.
8. After an inconclusive interview:
 - a. Either:
 - i. Schedule an additional interview with including the director.
 - ii. Re-file application with notes attached stating reasons for inconclusiveness.
9. After the hiring process:
 - a. New Hires must be reported in accordance with policy 1.d.

1.d. New Hiring Reporting

I. Policy

The policy of Above and Beyond Caregivers, LLC is to comply with the Ohio New Hire Reporting Law. All new hires must be reported regardless of full-time, part-time, or contingency status.

Above and Beyond Caregivers, LLC will either:

- a. Complete and submit an Ohio New Hire Reporting Form for each new hire within twenty (20) days for the employee's date of hire.
 - i. Ohio New Hire Reporting Center, P.O. Box 15309, Columbus, Ohio, 43215-0309
 - ii. Faxed to (614) 221-7088
 - iii. Website file transfer: <http://newhire-reporting.com/OH-Newhire/default.aspx>

II. Procedure

1. It is the responsibility of the director / designee to make sure all new hires are reported within twenty (20) days of their hire date.
2. It is the responsibility of the director / designee to make a copy of the completed form and send the original to the address above if option one (1) or two (2) is used and file the copy in the employees' personal file
3. It is the responsibility of the director / designee to retain a printed confirmation of the report in the employees' personal file if option three (3) is used.

1.e. Pre-Employment Reference Inquiries

I. Policy

The policy of Above and Beyond Caregivers, LLC is to conduct an inquiry into the employment history of all applicants being considered for employment. Reference inquiries will be conducted for those candidates being considered for employment with the company.

II. Procedures

1. At the time of application, all applicants will be required to complete and sign appropriate areas on application form to allow reference checks.
2. It is the responsibility of the director / designee to complete the pre-employment reference inquiries; once the applicant has been interviewed and is being considered for employment.
3. It is the responsibility of the director / designee to secure a minimum of two (2) employment references prior to an offer of employment being extended.
4. It is the responsibility of the director / designee to ensure all reference checks be conducted via telephone, facsimile, postal mail and documented in that respective order.
5. In the event that a previous employer will not disclose reference information without a signed release form from the applicant, a copy of the signed appropriate are on the application must be sent to the former employer.
6. In the event the applicant does not have two (2) former employers, the company may use professional references, education related or former teachers as character references. Family members may not be used as references.
7. The pre-employment reference inquiry and any other necessary pre-employment inquiries must be completes to the satisfaction of the company before a conditional offer of employment will be made.
8. The original copies of all reference inquiry materials must be attached to the employment application and forwarded to the director / designee.
9. If the applicant is rejected in part on the basis of reference information obtained it is important that the source of the information be kept confidential.

1.f. Interviewing and Selection

I. Policy

The policy of Above and Beyond Caregivers, LLC is to hire, recruit, select, train promote and transfer the most qualified person for vacant positions. We will treat all applicants consistently and fairly. To assure complete communication, record keeping, the employment of competent personnel the procedures have been established to ensure consistency and fair treatment when interviewing and selecting employees.

All Above and Beyond Caregivers, LLC interviewers will comply with the following procedures when interviewing potential employees.

II. Procedures

1. All applicants being considered for hire must be interviewed and the interview must be documented. It is important that all applicants are treated consistently and fairly.
 - a. Habilitation Technicians will be interviewed by Program Specialists and/or the Director.
 - b. Supervisors will be interviewed by Program Specialists and the Director.
 - c. Program Specialists will be interviewed by the Director.
 - d. RN and LPN's will be interviewed by the Director.
 - e. Office Assistant will be interviewed by the Director.
 - f. Director / Supported Living Coordinator will be interviewed by the CEO.
 - g. All other positions will be interviewed by the director / designee.
2. Job specific interview questions must be used, and the interview questions will be attached to the application.
3. The individual conducting the interview will document the interview results and attach said documentation to the application.

1.g. Job Descriptions

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide a specific job description which details the reporting relationship, qualification, education and experiential requirements, and responsibilities of employable positions.

This description is to clarify to employees their role within the company. Additionally, the job description should be used by the director / designee for the purposes of recruiting, interviewing, orienting new employees, and conducting performance appraisals on present employees.

When an employee has been out of work due to an injury or has requested accommodation under the Americans with Disabilities Act, the company must use the job description to determine if the employee is ready to work and if the accommodation is possible.

II. Procedures

1. Every employee will be given a copy of his/her respective job description and the company will keep a signed copy on file in the employee personnel file.
2. A copy of the job description will be included in the application documentation given to potential employees. This copy should be reviewed by the applicant before completing the application documentation.
3. During orientation, the administrator / designee is responsible for reviewing the job description with the new employee and securing his/her signature and date. The original is filed in the employees' personnel file and a copy will be given to the employee.
4. Upon promotion or transversal to a new position and before the employee begins working in the new position, the director / designee must review with the employee a copy of the new job description and secure his/her signature and date. The original is filed in the employees' personnel file and a copy will be given to the employee.
5. The job description will be reviewed by the director / designee as part of the interview process.
6. During an employee performance evaluation and/or review, his/her job description will be reviewed with him/her by the director / designee.
7. All job descriptions will be reviewed updated on an annual basis by a supervisor.

1.h. Pre-Employment Background Investigation

I. Policy

The policy of Above and Beyond Caregivers, LLC is to conduct a thorough investigation into the background information submitted on a candidate's application for employment. At the company's expense, an investigation may include but is not limited to: verification of education, previous employment or work history, criminal history record from and local, state, or federal criminal justice agency, and/or any other information as deemed necessary to fulfill the job requirements.

II. Procedures

1. At the time of application, all applicants will be required to sign an Authorization and Consent for Release of Information Form found in the Employment Application.
2. Once the applicant has been interviewed and is being considered for employment, the reference checks will be conducted. Refer to Policy 1.e. as to the procedures for conducting such inquiries. Once completed, the background investigation will also be completed.
3. Satisfactory results from the background investigation and reference check are required for an offer of employment can be made.
4. During the final consideration of employment, he/she will be extended a conditional offer of employment and informed of the requirement of being fingerprinted. Refer to policy 1.r. to the procedure to follow.
5. Upon an applicant becoming an employee, all documentation from the background investigation will be filed in the employee confidential file.
6. Upon an applicant not being offered employment, the background investigation information will be stapled to the applicants' application and retained in accordance with applicable policies.
7. Information obtained from a background investigation is strictly confidential and is for the sole purpose of making employment decisions. The disclosure of any information received through a background investigation is strictly prohibited and individuals who engage in such activity are subject to disciplinary action up to and including termination.
8. Subsequent to being hired by Above and Beyond Caregivers, LLC, any employee charges with a crime in violation of the criminal background checks Senate Bill 160 will immediately be suspended from employment pending further investigation and/or resolution of charge.
 - a. During the period of suspension, the employee could take time from his/his PTO bank.
 - i. Any time needed and/or taken more than PTO accrued will be unpaid.
 - b. Employee will be reinstated is he/she is not convicted, and proof presented to our office.
 - c. Employee will be immediately terminated in he/she is convicted.

1.i. Administration of Hepatitis B Vaccine

I. Policy

The policy of Above and Beyond Caregivers, LLC is to offer the opportunity to receive Hepatitis B vaccination at the time of hire and within ten (10) days on assuming job duties which have risk for exposure to blood or body fluids. Employees who initially refuse vaccination will be informed that they retain the right to request vaccination at any time during their employment. Vaccination is given at no cost to the employee. Any employee refusing vaccination must sign a Declination State Form.

II. Procedures

1. At the time of hire, all new employees will be advised of their occupational risk for contracting Hepatitis B.
2. Information will be provided to the potential employee regarding the modes of transmission and preventative effects of Hepatitis B vaccine; this information will be given both orally and in writing.
3. The employee will be requested to decide within ten (10) days of job assignment whether he/she wishes to receive the vaccine:
 - a. Those who accept will be asked to get a prescription from their family physician. Once prescription is obtained, company will arrange for nurse to get and administer vaccine free of charge to the employee.
 - b. Those who decline will sign appropriate form and will be informed that they may still request vaccination later if they choose to do so.
4. Vaccine will be administered by the nurse according to the prescription and manufacturers' directions and/or guidelines by the U.S. Public Health Service.
5. Vaccination will be given within ten (10) days of receiving prescription from employee who requests to receive the vaccine.
6. The schedule will be maintained by the nurse.

1.j. Pre-Employment / Annual Mantoux / TB Testing

I. Policy

The policy of Above and Beyond Caregivers, LLC is to stay in accordance with applicable state and federal laws. Therefore, all employees are required to be free of communicable diseases, specifically tuberculosis. To comply with this policy all applicants being considered for employment, who have been extended a conditional offer of employment are required to submit to a two-step TB rest or chest x-ray as a condition of employment. All current employees are required to submit to a one-step TB test on an annual basis. The following procedures need to be followed as applicable.

II. Procedures

Pre-Employment:

1. After a conditional offer of employment is made and the potential employee must receive a two-step Mantoux test.
2. The first steps of the Mantoux test must be administered and read prior to the employee working his/her first scheduled shift.
3. The nurse is responsible for administering the two (2) steps of the Mantoux test. The company assumes all costs associated with the test.
4. If the first step reads positive or the employee has had a positive skin test in the past, a chest x-ray is required before the employee can work. The applicant should submit any costs related to the chest x-ray to his/her insurance carrier.
5. The results of the test(s) must be documented on a Mantoux test form by a licensed nurse and forwarded to the office assistant / designee to be filed in the employee's confidential file.
6. If a test was completed within the last twelve (12) months, he/she should provide the nurse with documentation of said testing results prior to working his/her first shift. The nurse will review the documentation and, if acceptable, a copy will be filed in the employee's confidential file.

Annual:

1. The nurse will notify the employees due for testing.
2. Every employee is required to submit to an annual one (1) step Mantoux test, unless they have already tested positive to skin test and has a chest x-ray result on file. In this case, the employee will be required to complete an annual questionnaire form provided by the nurse.
3. If the first step reads positive, a chest x-ray is required before returning to work. Once the tests have been read and the results documented on a Mantoux test form, a licensed nurse will return all forms to be filed in the employee's confidential file.
4. If an employee fails to have an annual Mantoux test, he/she will be removed from the schedule until such a time as the test is complete.

1.k. Driving Record Inquiry

I. Policy

The policy of Above and Beyond Caregivers, LLC is to perform an inquiry into the status of an applicant's driving record if the applicant has applied for a position which requires him/her to drive clients in wither the employee's personal car of a company vehicle. All inquiries will be conducted in accordance with applicable state laws and guidelines.

II. Procedures

1. It is the responsibility of the director / designee to conduct driving record inquiries for all employees responsible for driving clients at the time of hire and at least once annually.
2. It is the responsibility of the applicant to sign an acknowledgement form and present proof of insurance.
3. It is the responsibility of the director / designee to submit appropriate information to the insurance company if needed for processing.
4. It is the responsibility of the director / designee to inform the employee and the supervisor as to whether an employee is permitted to drive a client.
5. Written notification will be given to an employee to be signed, if the employee is not eligible to drive company vehicles, but able to use their own vehicle to transport clients. Supervisor will schedule employee to work with clients at time company vehicle will not need to be used. If there is no such availability, then the employee will need to wait.
6. Employee will immediately be taken off schedule when driving clients is necessary if the employee is unable to drive their own or the company vehicle. Employee will only be scheduled where clients do not need to be driven at all, if available.
7. Employees scheduled day shifts (first and second during week and weekends) must be able to transport clients in their own or company vehicles. Employees much be able to drive across town (East, West, North and South sides) if needed to keep their schedules.
8. All information obtained during the inquiry will be considered confidential and maintained in a confidential file.

1.I. Drug Free Workplace

I. Policy

The policy of Above and Beyond Caregivers, LLC is to have a strong commitment to the health, safety and welfare of its employees, clients, and other outside visitors. The purpose of this policy is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from the illegal manufacture, distribution, dispensation, possession, sale and use of illegal drugs and to eliminate the hazards to health and job safety created by alcohol and other drug abuse in the best interest of our employees and our clients.

Authorized Use of Prescribed Medications

An employee undergoing prescribed medical treatment with a nay drug or controlled substance that may impair his/her physical or mental ability should report this treatment to his/her office supervisor, who will then determine whether the company should temporarily change the employee's job assignment during the period of treatment.

Reasonable Suspicion Testing

Above and Beyond Caregivers, LLC will require an employee to submit to a drug test whenever it has reason to suspect said employee has used or is using illegal drugs or engaged in controlled substance abuse, whether during working or non-working hours.

Above and Beyond Caregivers, LLC will require an employee to submit to a drug test whenever a county board has reason to suspect said employee has used or is using illegal drugs or engaged in controlled substance abuse, whether during working or non-working hours.

Unannounced Random Testing

Above and Beyond Caregivers, LLC reserves the right to randomly test its employees in order to maintain a drug-free workplace.

Violations of the Drug-Free Policy

Above and Beyond Caregivers, LLC prohibits the following:

1. Use, possession, manufacture, distribution, dispensation or sale of illegal drugs whether during working or non-working hours.
2. Controlled substance abuse whether during working or non-working hours.
3. Storing of any illegal drug in client's home, in vehicles or at the office.
4. Being under the influence of alcohol or illegal drugs or engaging in controlled substance abuse while engaged in company business, or in company vehicles or during working hours.
5. Testing positive or alcohol, illegal drugs, or controlled substances without a legal basis for use.
6. Switching or alternating any urine sample submitted for testing, or submitting a false sample for testing.

1.I. Drug Free Workplace

7. Refusing consent to testing when required by a company representative.
8. Being convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace.
9. Failing to notify the company of any conviction under any criminal drug statute within five (5) days of the event.
10. Failing to comply with the rules and regulations of the company's Drug Free Policy.

Above and Beyond Caregivers, LLC will promptly terminate any employee who tests positive for illegal drugs or controlled substances without establishing a legal basis for such use.

II. Procedures

A. Drug, Alcohol, and Substance Abuse Recognition

All supervisors and appropriate personnel will receive training in recognizing physical/behavioral signs of possible substance abuse and responding to substance abuse related situations. Below is a list of physical/behavioral indicators of possible substance abuse. This list is not all-inclusive:

Physical

increased irregular hear/respiratory rate
bloodshot eyes
dry mouth and throat
increased or decreased appetite
dilated or constricted pupils
elevated blood pressure
stuffy or runny nose
sweating/clammy skin
loss of consciousness/physical collapse
headache
tremors/convulsions/seizures
altered perception/hallucinations/delusions
dulled senses/incoherency
drooling
nausea/vomiting

Behavioral

loss of coordination
inability to concentrate
loss of memory
paranoia/psychosis
restlessness/anxiety
depression
disorientation
violent behavior/moodiness
blurred vision/dizziness
sleeplessness/drowsiness
slurring/speech difficulties
chills
staggering gait
faintness
itching sensations

B. Drug Testing Procedures

All supervisors and appropriate personnel will receive training in documenting and confronting an employee suspected to be under the influence of illegal drugs of alcohol.

1. If a supervisor or a county board worker suspects an employee to be under the influence of drugs or alcohol, the employee will be asked to submit for testing.

1.1. Drug Free Workplace

2. A request for the employee to submit to a lab test will be made. Refusal to submit and give consent to drug testing will be grounds for immediate discharge.
3. Employee to be tested will report to designated hospital/lab for urine drug screen, accompanied by a supervisor.
4. Only a Substance Abuse and Mental Health Administration certified drug testing laboratory will be used.
5. A strict chain-of-custody procedure will be used to ensure the integrity of each urine specimen.
6. The process will ensure individual privacy during the collection process and the confidentiality of test results.
7. All “positive” drug screens will be confirmed by a second test using a different chemical process, and only those samples which test positive on both the screen and the confirmation test will be considered “positive”.
8. All confirmed “positive” test results will receive a professional medical review, which includes the opportunity for the employee to explain the result.
9. The employee will not return to work until the lab test results have been received.
10. Once the test results have been returned, the director / designee will schedule a meeting with the employee to discuss the results.
11. Employees with positive drug test results will be terminated.

1.m. Employee Orientation

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide new employees an orientation program designed to give all facts first hand, increase morale, and contribute to a more confident attitude toward the company. This orientation program is the final step in the hiring process consisting in depth training sessions with: Director / designee, Office Administration, and Home Supervisor.

II. Procedures

1. All new employees will be scheduled and must complete all sessions of this orientation program prior to their first day of work with the client.
2. Above and Beyond Caregivers, LLCs' Orientation Manual will be used and the Orientation Acknowledgement in the manual must be signed and filed in the employees' confidential personal file.
3. It is the responsibility of the director / designee to receive all necessary completed paperwork and documents on the first day of orientation.
4. Orientation training sessions must be completed by employee:
 - i. Eight (8) hours shall be allotted for the Director / designee to:
 - a. Assist the employee in completing the new hire paperwork.
 - b. Orient the employee to the company's policies and procedures.
 - ii. Ten (10) to twenty-two (22) hours shall be allotted for the Nurse / designee to:
 - a. Provide CPR / First Aid training within eight (8) hours.
 - b. Provide Certification 1 training
 1. Within fourteen (14) hours if receiving for the first time.
 2. Within two (2) hours if renewing or receiving company specific policy training on Medication Administration, Documentation, and expectations.
 - iii. Sixteen (16) hours shall be given for the Supervisor / designee to:
 - a. Complete and sign the In-House Orientation Form in the Orientation Manual. This must be signed by both the new employee and their trainer and turned into the office to be files in the employees' confidential personal file.
 - b. Inform new employee of client and job specific training for that site.
5. The inability of the employee to pass any required test during this orientation will result in the denial of employment.

1.n. Probationary Periods

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide ninety (90) days for all new employees to adjust to their new position and acclimate to their new responsibilities. The employee shall use the 90 days to demonstrate their level of performance and determine whether the new position meets their expectations. The company shall use the 90 days to evaluate employee capability, work habits, and overall performance.

During the 90 days, either the employee or the company may end the employment relationship at will at any time during the probationary period with or without cause or advance notice.

All new and rehired employees work on a probationary basis for 90 days from their start date. Employees who are promoted or transferred within the company must complete an additional probationary period for every new assignment.

II. Procedures

1. It is the responsibility of the director / designees to inform an employee of his/her change to regular status.
2. An employees' probationary period will not end until the employee has been given a performance appraisal.
3. Any significant absence will extend the probationary period by the same number of days as the absence.
4. The director or supervisor may, after consultation, extend an employee's probationary period because of performance related concerns. Any such extension must be documented in writing and signed by the supervisor and then forwarded to the office assistant to be filed in the employees' file.
5. In cases of promotion of transfer, an employee who, in the sole judgment of the director, is not successful in the new position, can be removed from that position or can request to return to his/her previous position or a comparable position depending on the availability of such a position.
6. Employees who are in their introductory probationary period are not eligible to use the Dispute Resolution Procedure.

1.o. Contingency Staffing

I. Policy

The policy of Above and Beyond Caregivers, LLC is to retain contingent staff to supplement the company's regular staffing and satisfy needs brought about by call-offs, schedule changes and changes in census which require adjusting staffing levels. Contingent staff will be managed in accordance to the following procedure:

II. Procedures

1. Eligible employees must work a minimum of one eight (8) hour shift every three (3) months in order to remain in the contingency pool.
2. There is no seniority or chain of command applied for choosing which contingency employees will be called to cover a shift.
3. Contingency employees are not considered as being "on the schedule".
4. Contingency employees are not eligible for benefits.
5. In the event that a contingency employees' status is changed to "regular", the supervisor must notify the director / designee who will complete the Personnel Change form to have the employees' classification changed. At the time of the employees' classification change to "regular", he/she will become eligible to accrue benefits in accordance with the appropriate accruals.
6. In the event that a contingency employees' status is changed to "regular", his/her hire date will be adjusted to the date "regular" status became effective for the purpose of benefit accruals and performance appraisals.
7. Contingency staff must be current with their TB, all appropriate paperwork and orientation prior to covering any shift.

1.p. Rehiring

I. Policy

The policy of Above and Beyond Caregivers, LLC is to rehire former employees who had resigned their employment in good standing and had returned all company and client property.

II. Procedures

1. It is the responsibility of the director / designee to review the former employees' personnel file and determine if the employee left in good standing and had returned all company and client property prior to rehiring the employee.
2. Regular new hire procedures will then be followed.

1.q. Return of Company and Clients' Property

I. Policy

The policy of Above and Beyond Caregivers, LLC is to request the return of all company and clients property when voluntary or involuntary termination of employment occurs.

1. Failure to return all company property will result in the deduction of the replacement costs from the employees' final paycheck.
2. Failure to return all clients' property will result in the deduction of the replacement costs the employees' final paycheck and will be reported to the MUI department.

II. Procedures

1. At the time of hire all employees will be required to complete and sign appropriate form stating if employee receives company or client property, he/she will return them upon termination of employment.
2. At any time during the course of an employees' employment he/she may be required to sign additional Return of Company and clients' property form(s) for specific items. These forms are to be filed in the employee's personnel file.
3. When a supervisor is informed of an employees' resignation, it is the director / designees' responsibility to review the Authorization of Return form(s) and request the items from the employee on his/her last day.
4. In the event that an employee is involuntarily terminated the director / designee should address the return of company and clients' property during the termination discussion.
5. In the event that an employee fails to return the property after the appropriate requests have been made, director / designee will notify the payroll department of the adjustment to the employees' final check.

1.r. Criminal Background Investigations

I. Policy

The policy of Above and Beyond Caregivers, LLC is to be compliant with state rules and to conduct a criminal background investigation into the criminal history of any applicant being given final consideration for employment with the company. The company will not employ any individual who has been convicted of a disqualifying conviction under SB160.

II. Procedures

1. It is the responsibility of the director / designee to make sure the Abuser Registry is checked to ensure there is not positive match. If there is a positive match applicant must not be hired and for the ODMRDD to be alerted.
2. On the first day of orientation employee will be given a list of the disqualifying convictions to review and sign.
 - a. If employee checks “Yes” that he/she has been convicted of any of the crime on the list, employees’ orientation will end and he/she will not be given the job.
 - b. If employee check “No” that he/she has never been convicted of any of the crimes listed, he/she will continue with the orientation process and sign another form stating that if employee is ever charged, convicted or plead guilty to any of the crimes on the list of disqualifying convictions during employment with Above and Beyond Caregivers, LLC he/she will inform the company within fourteen (14) days. At this time the employee is extended a conditional offer of employment.
3. It is the responsibility of the director / designee to fingerprint the new employee.
 - a. During this time verification of residence for the past five years will be done.
4. If the new employee has been a resident of the State of Ohio for the last five (5) or more years, he/she should be fingerprinted on a BCI fingerprint card. If a new employee has not been a resident of the State of Ohio for the last five (5) years, the director / designee should fingerprint the new employee on a BCI and FBI card.
5. It is the responsibility of the director / designee to complete the information on the fingerprint card and verifying the accuracy of information provided prior to actually fingerprinting the new employee.
6. It is the responsibility of the director / designee to monitor the BCI log and track the receipt of reports from National Background Check, Inc.

1.r. Criminal Background Investigations

7. It is the responsibility of the director / designee to contact National Background Check, Inc if the results have not been received within thirty (30) days and get the status of the results.
8. If an employee is found to have one of the disqualifying convictions and no documentation to prove dismissal, his/her employment with the company shall be terminated.
9. If the results of the criminal background investigation are not received within sixty (60) days, the employee must be terminated. If the results are later received and the employee does not have a disqualifying conviction, he/she may be reinstated at the sole discretion of the director.
10. Copies of all information received from Nation Background Check, Inc / BCI will be files in the employees' confidential file.
11. The director / designee are the only individuals in the company who are authorized to review the criminal background investigation reports.
12. The director / designee must subscribe to receive email alerts when the abuser registry is updated and must also randomly check the registry to ensure that our employees have no positive match. If there is a positive match the employee must be immediately terminated and ODMRDD must be alerted.
13. The company strictly prohibits the copying, distribution or dissemination of any information contained in the criminal background investigation report. Any violation of this may result in disciplinary action up to and including termination of employment.
14. It is the responsibility of the director / designee to enter employee into the Ohio Attorney General RAPback database.

2.a. Employment Classification

I. Policy

The policy of Above and Beyond Caregivers, LLC is to classify employees in categories, in accordance with applicable Federal and State Legislation.

A. Full-Time Employees:

- a. Employees who are not in a temporary or probationary status and who are regularly scheduled to work at least thirty-five (35) hours per week for 3 weeks consecutively. Full-Time employees are eligible for benefits in accordance with benefit eligibility requirements.

B. Part-Time Employees:

- a. Employees who are not in a temporary or probationary status and who are regularly scheduled to work less than thirty-five (35) hours per week. Part-Time employees become eligible for benefits when they meet eligibility requirements of each individual benefit.

C. Probationary Employees:

- a. Employees that are either working on a probationary basis for the first ninety (90) days from their date of hire or those employees who have subsequent to their original probationary period been placed on probationary status.

D. Contingency Employees:

- a. Employees whose employment is on an as needed basis without a definite schedule. Contingency employees are not eligible for benefits.

In addition to one of the above classifications, every employee is classified in accordance with Wage and Hour guidelines as exempt or non-exempt.

E. Exempt Employees:

- a. Employees who are excluded from certain overtime provisions of Federal and State Wage and Hour laws.

F. Non-Exempt Employees:

- a. Employees that are governed by the federal and state wage and hour laws and are subsequently entitled to overtime pay under the specific provisions.

II. Procedures

1. It is the responsibility of the director / designee to identify the appropriate classifications and listing those classifications on the Personnel New Hire Form at the time of hire.
2. It is the responsibility of the director / designee to process any change in employee classification.
3. Documentation of all changes to an employees' classification must be made on a Personnel Change Form, approved by the director, and processed according to payroll procedures. A copy of the Personnel Change Form must be retained in the employee's file.

2.b. Overtime

I. Policy

The policy of Above and Beyond Caregivers, LLC is to pay direct care staff regular hourly wages for the first 40 hours worked in a week. Overtime wages are will be paid to direct care staff at a rate of 1.5 times the regular rate for hours worked above 40 hours per week.

Management is exempt from overtime rules and shall receive their pay in salary form.

II. Procedures

1. It is the responsibility of the director / designee not schedule any direct schedule for more than 40 hours per week.
2. It is the responsibility of the home manager and assistant home manager to ensure that any direct staff being asked to cover open shifts are not already scheduled 40 hours for the work week.
3. It is the responsibility of the direct care staff to disclose their total hours scheduled for the work week if they are asked to cover a shift at any site.

2.c. Mileage and other Reimbursements

I. Policy

Mileage:

The policy of Above and Beyond Caregivers, LLC is to reimburse employees for mileage when they drive clients in their personal vehicles. Mileage will be reimbursed at 35¢ per mile.

Other Reimbursements:

The policy of Above and Beyond Caregivers, LLC is to reimburse employees when they use their own money during clients' activities and appointments. Employees will be reimbursed for things such as: parking fees, movie tickets, concert tickets...

Above and Beyond Caregivers, LLC will not reimburse for meals employees eat during an activity with consumers, parking violation tickets and/or moving violation tickets they receive while on duty due to their negligence.

II. Procedures

Mileage:

1. It is the responsibility of the employee to accurately record their mileage on their mileage sheet.
2. Mileage will be processed separately than payroll and employees will receive a non-taxable reimbursement.

Other Reimbursements:

3. It is the responsibility of the employee to complete an expense reimbursement form with original receipt(s) attached within the week that the expense occurred.
4. Approved expenses shall be processed with the payroll and employees will receive a non-taxable reimbursement.
5. Mileage and expense reimbursements shall be reflected on one the employees' payroll check.
6. Above and Beyond Caregivers retains the right to reject reimbursement requests not submitted within the week that the expense occurred.

2.d. Payroll / Pay Periods / Paydays / Paychecks

I. Policy

The policy of Above and Beyond Caregivers, LLC is to correctly pay employees for all hours worked and for all expenses incurred. In order to accomplish this, it is important for the payroll to be processed quickly and accurately. Details of this process are:

Payroll:

Time sheets, mileage sheets and expense sheets must be completed correctly and turned in weekly in order for all employees to be paid accurately.

Pay Periods:

Pay Periods are semi-monthly (twice a month). Pay Periods are:

1. From the 1st of the month to the 15th of the month.
2. From the 16th of the month to the Last day of the month.

Pay Days:

Pay Checks and Reimbursement Checks are issued to employees twice (2 xs) a month as follows:

1. Pay Checks are given:
 - a. On the 15th of every month for the pay period of the 16th to the end of the previous month.
 - b. On the Last day of the month for the pay period of the 1st to the 15th of the current month.
2. Reimbursement Checks are given:
 - a. On the 15th of every month for the pay period of the 16th to the end of the previous month.
 - b. On the Last day of the month for the pay period of the 1st to the 15th of the current month.

Employees will be paid on the business day before a scheduled pay day if it falls on a weekend or holiday.

Pay Check Statements:

All pay check will be direct deposited.

Employees have the choice of three (3) different ways to receive their pay check statements:

1. Office Pickup – Employees are to print their paystubs from the Paychex website. Statements are available at the office with advance notice only.
2. Mail – Checks not picked up will be mailed at the end of the business day.
3. Direct Deposit – Pay check will be deposited into account on record for employee and proof of deposit will be in the office available for pickup.

2.d. Payroll / Pay Periods / Paydays / Paychecks

II. Procedures

1. It is the responsibility of the director / designee to train new employees on how to complete all necessary payroll documentation at new hire orientation.
2. It is the responsibility of the employee to ask question and request additional training from their supervisor if they are having difficulties on completing payroll documentation.
3. It is the responsibility of the supervisor to verify accuracy and have employees correct their payroll documentation before submitting it to the office every Monday.
4. It is the responsibility of the office assistant / designee to correctly enter all payroll documentation into the system to be processed.
5. It is the responsibility of the director / designee to process all payroll and billing.
6. It is the responsibility of the director / designee to have paychecks ready by 10am on pay days.

2.e. Employee / Personnel Files

I. Policy

The policy of Above and Beyond Caregivers, LLC is to create and maintain a confidential personnel file for every employee. These files are and will remain at all times the property of the company. Employees are to notify the company to any changes of information maintained in their personnel file. Employees may review their file with a director / designee upon request and at a scheduled time.

II. Procedures

1. It is the responsibility of the director / designee to create a confidential personnel file for every employee at time of hire.
2. It is the responsibility of the director / designee to maintain and update the contents of each employee personnel file.
3. It is the responsibility of the director / designee to keep the files in a secure place and have files locked up when not in use.
4. It is the responsibility of the director / designee to make give copies of disciplinary action(s) and performance appraisal(s) to an employee at the request of the employee during a scheduled time.
5. Employee files may only leave the designated secure area as approved by the director / designee.
6. It is the responsibility of the director / designee to transfer any terminated employees file to a separate Terminated Employees File.
7. It is the responsibility of the director / designee to send computer generated letters and/or telephone reminders to employees when documentation needs to be updated in their file.
8. It is the responsibility of the employee to give updated information as it occurs and/or by the dates indicated by letters/reminders given to them.

2.f. Employee Record Retention Summary

I. Policy

The policy of Above and Beyond Caregivers, LLC is to securely maintain and store employee records for the duration indicated below:

II. Procedures

1. It is the responsibility of the director / designee to keep employee files for the following duration:

Document	Time Kept
Employment Applications – applicants not hired	6 months - from application date
Employee Files	Permanently
I-9 Forms	Permanently
Accident Reports	11 years
Attendance Reports	6 years
Benefits Records	8 years
Payroll Reports	Permanently
Garnishments	Permanently
OSHA	30 Years
Billing Sheets	Permanently
Workers Compensation	10 years – after close of claim
Withholding Certificates	8 years

3.a. Holidays

I. Policy

The policy of Above and Beyond Caregivers, LLC is to pay eligible employees for the following holidays at the end of the year worked as an end of year incentive bonus:

New Year's Day – January 1st

Memorial Day – Last Monday in May

Independence Day – July 4th

Labor Day – First Monday in September

Thanksgiving Day – 4th Thursday in November

Christmas Day – December 25th

II. Procedures

1. To be eligible, an employee must be employed / active on the day that the holiday is observed.
2. Regular shift before and after the holiday must be worked to qualify for holiday pay rate.
3. Supervisors: Shall be paid their **regular** rate.
4. Direct Care Staff: Time and one half shall be paid for every ACTIVE hour worked on the observed holiday.
 - a. **Regular** portion of the rates will be paid at the **next scheduled payroll**.
 - b. The additional half time rate shall be paid at the end of the year in addition to the end of year bonus check.
5. Employees that call off on his/her scheduled day before or after a Holiday will not receive Holiday Pay.
6. Employees that are in their probationary period are not eligible.
7. OSOC shift shall be paid at the regular rate.

3.b. Paid Time Off (PTO)

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide flexible Paid Time Off (PTO) to employee for varying needs as and activities. Employees will be eligible for PTO upon completion of their first (1st) year of employment. PTO time cannot be carried over into the next year.

II. Procedures

Each Full-Time employee who works at least 1820 hours yearly will accrue PTO in hourly increments based on their length of service as defined below. PTO is added to the employee's PTO bank on their first paycheck following their anniversary date. PTO taken will be subtracted from the employee's accrued time bank in one hour increments. OSOC hours will be accrue at ½ the regular rate.

It is the responsibility of the employee to complete and have approved a Paid Time Off Form within required time limits before taking the PTO.

1. Sick Leave PTO requires twenty-four (24) hour notice to be approved.
2. Personal Time PTO for no more than 2 work days requires seven (7) days notice to be approved.
3. Vacation PTO for 3 or more work days requires thirty (30) days notice to be approved.
4. MUI Suspension: PTO can be used if accrued. ABC does not pay for missed scheduled hours due to this type of suspension.

Paid Time Off (PTO) Exceptions

1. Employees missing more than three consecutive days due to an illness or hospital admission may be required to present a doctor's release permitting them to return to work.
2. Employees taking PTO in excess of the PTO accrued can be subject to progressive disciplinary action up to and including employment termination. Excess time taken will be unpaid.
3. Company policy states that all accrued PTO must be used before unpaid FMLA time begins.
 - a. Employees having used all FMLA and short term disability benefits and still unable to work will have their employment terminated.
4. Employees missing a day of work without calling their office supervisor/on-call may be considered to have voluntarily quit their job (No Call No Show).

Calculation of Paid Time Off (PTO) for Full-Time Employees

Years of Service	PTO accrued
1 – 4	40 hours = 1 week
5 – 9	80 hours = 2 weeks
10 – 14	120 hours = 3 weeks
15 +	160 hours = 4 weeks

3.c. Health, Dental and Vision Insurance

I. Policy

The policy of Above and Beyond Caregivers, LLC is to offer health, dental, and vision insurance for all eligible employees. All insurances are available in Employee Only, Employee/Spouse, Employee/Child(ren), and Family Coverage.

All full time employees are eligible to enroll in the programs of their choosing at the time of hire. The benefits will start on the 1st of the month following the employee's 90 day probationary period with the company.

II. Procedures

1. It is the responsibility of the director / designee for reviewing the company's insurance program at the time of general orientation.
2. It is the responsibility of new employees to complete and turn in insurance documents at the time of new hire orientation.
3. It is the responsibility of the employee to sign a waiver of coverage if they elect not to enroll in the benefits programs offered.
4. It is the responsibility of the director / designee to process all benefits applications.
5. Enrolled employees will receive their insurance cards in the mail once coverage starts. If an employee does not receive an insurance card, he/she should speak with the director / designee.
6. Employee's contributions will be deducted directly from the employee's pay check.
7. Employees must work a minimum of thirty-two (32) hours per week to remain eligible for benefits.
8. COBRA coverage is available if an employee's employment with the company is terminated, or if the employee's hours drops below the minimum of thirty-two (32) hours.

3.d. Life Insurance

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide access to life insurance in the amount of fifteen thousand dollars (\$15,000.00) for all full-time employees who participate in the health insurance program. Eligibility for all employees starts once their health insurance starts.

II. Procedures

1. It is the responsibility of the director / designee to review with employees the company life insurance at the time of new hire orientation.
2. It is the responsibility of new employees to complete and turn in insurance documents at the time of new hire orientation.
3. It is the responsibility of the employee to sign a waiver of coverage if they elect not to enroll in the benefits programs offered.
4. It is the responsibility of the director / designee to process all benefits applications.
5. Health insurance eligibility is required to remain eligible for life insurance in accordance to policy 3.c.
6. It is the responsibility of the director / designee to notify the insurance carrier of separation of employment.

3.e. Retirement Saving Plan

I. Policy

The policy of Above and Beyond Caregivers, LLC is to currently not offer a retirement saving plan.

II. Procedures

3.f. Continuation of Benefits (COBRA)

I. Policy

The policy of Above and Beyond Caregivers, LLC is to comply with the Federal Consolidated Omnibus Reconciliation Act (COBRA) which gives employees and their qualified beneficiaries the opportunity to continue their health coverage under the company's health plan when a "qualifying event" would normally result in the loss of eligibility.

18 Month qualifying events include:

Resignation	Termination of employment
Death of an employee	Reduction of employee's hours
Leave of Absences*	Employees divorce or legal separation
Dependent child no longer meets eligibility requirements	

*FMLA will not be the Qualifying Event. The qualifying event for FMLA takes place on the last day of FMLA leave. Workers' Compensation Leave of Absences will not be the Qualifying Event. The qualifying event takes place after the first 90 days of Workers Compensation Leave of Absence. Employees on FMLA or Workers Compensation Leave of Absence are required to continue their contributions for their insurance deductions on each payday that they are on Leave of Absence. When employees do not continue insurance contributions, extra contribution will be deducted from their check upon return to work. All other Leave of Absences' Qualifying Events take place on the day the leave of Absence begins.

Under COBRA coverage, an employee is responsible for paying the full cost of coverage at the company's group rates. The company may charge an administrative fee of 2% of the premium.

The company provides each eligible employee with a written notice describing his/her rights granted under the COBRA when an employee becomes a participant in the health insurance plan.

II. Procedures

1. It is the responsibility of the director / designee to processing the separation from and notifying the insurance agent when the employee has a qualifying event.
2. It is the responsibility of the insurance agent for sending a letter to the employee offering COBRA continuation coverage.
3. The employee elects or declines continued coverage and sends his/her response back to the insurance agent.
4. The insurance agent is responsible for ensuring the qualifying individual who elects coverage stays on the insurance plan and premiums are paid for the individual.
5. It is the responsibility of the employee to send payment to the insurance agent by the first (1st) day of every month he/she has COBRA coverage. If payment is not made his/her insurance is canceled effective the last day the last premium payment covered.

3.g. Dispute Resolution

I. Policy

The policy of Above and Beyond Caregivers, LLC is to resolve all disputes in a timely manner.

II. Procedures

1. It is the responsibility of the director / designee to make sure the policy is followed.

3.h. MUI Suspension

I. Policy

The policy of Above and Beyond Caregivers, LLC is to adhere to the County Board of Developmental Disabilities MUI unit and suspend an employee pending the outcome of their investigation. MUI does not authorize payment for hours not worked with the client. Therefore, Above and Beyond Caregivers does not reimburse any loss of scheduled work hours. To cover lost hours/wages for this period; use of accrued PTO hours is allowed. For further detail refer to the PTO policy.

II. Procedures

1. It is the responsibility of the director / designee for administering to remove the employee from the site that is under investigation and keep in constant contact with the investigation to obtain an outcome.
 - a. Upon an unfounded outcome it is the responsibility of the director/designee to notify the employee of the outcome so that they may be authorized to return to the schedule.
 - i. Above and Beyond Caregivers will complete an internal review of the incident, site, client(s), and the employee.
 1. Above and Beyond Caregivers reserves the right to either return the employee to their regular schedule and site or to return the employee to a different schedule or site.
 - b. Upon a founded outcome it is the responsibility of the director/designee to notify the employee of the outcome and to follow the directions of the MUI investigator.
2. It is the responsibility of the employee not to return to the site of investigation or have contact with an individual associated with the investigation until a director/designee gives the approval to return to the site.
 - a. Upon approval it is the responsibility of the employee to return to the schedule and/or site assigned by the director/designee.

3.i. Continuing Education

I. Policy

The policy of Above and Beyond Caregivers, LLC is to not offer tuition assistance to its employees at this time.

II. Procedures

n/a

3.j. Workers' Compensation

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide employees with Workers' Compensation Insurance, at no cost to the employee, in the event that he/she sustains an injury as a result of work.

In order to be eligible for this benefit, employees must comply with the following procedures:

II. Procedures

1. Any employee sustaining a work related injury or illness must comply with the company's policy on Injury Reporting.
2. It is the responsibility of the director / designee to notify the third party administrator of the potential claim.
3. It is the responsibility of the director / designee to establish a worker's compensation file which includes copies of the following:
 - a. Copy of the incident report
 - b. Copy of the medical report from the treatment facility
 - c. All correspondence pertaining to the claim.
4. It is the responsibility of the director / designee to monitor the status of all workers' compensation claims.

3.k. Leave of Absence – Disability Leave

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide disability leave of absence without pay for those employees who are not eligible for family or medical leave as defined in the employee's injury or illness, including pregnancy-related conditions. Such leaves may not extend beyond eight (8) weeks. Employees requesting any type of absence must submit to their supervisor a completed and signed Leave of Request Form. Certification Forms must be completed where applicable.

Employees that are aware in advance of an upcoming disability and unable to work due to illness or elective surgery, must apply for disability leave at least four (4) weeks in advance by submitting a signed Leave Request Form and Certification of Physician Form to your supervisor. Employee disabled by illnesses or injury, regardless of the cause, and are unable to work without advance knowledge of this fact, your disability and expected date of return to work must be confirmed in writing by your attending physician at the earliest feasible opportunity.

Employees are required to substitute all earned PTO time for an equivalent part of any disability leave and remaining time will be unpaid. However, the substitution of any earned PTO time as part of a disability leave will not extend your leave beyond the eight (8) weeks maximum entitlement.

Employees on disability leave will not earn any additional employment benefits. Health Insurance benefits will continue on the condition the employee continues to pay their portion of the premium payments to the company. Failure for the employee to return to work because the leave must extend beyond the maximum allowed by the company will be deemed a voluntary termination of employment effective as of the date the approved leave expired.

Employees taking disability under this policy and then become eligible for Family Medical Leave, entitlement to leave will be reduced by all leave taken under this policy for a twelve (12) months period beginning with the date the employee first used disability leave under this policy.

II. Procedures

1. It is the responsibility of the employee requesting disability leave to complete a Leave of Absence Request Form and submit it to his/her supervisor.
2. It is the responsibility of the director / designee to approve or deny the received requests and notify the employee of the decision.
3. It is the responsibility of the director / designee to track the leave of absence on the employee's attendance calendar.
4. Employees ready to return from leave must complete a Request to Return from Leave form and submit it a director / designee at least two (2) weeks prior to return.
5. Employees must provide a fit for duty statement from a physician prior to working their first shift.

3.I. Leave of Absence – Family and Medical Leave (FMLA)

I. Policy

The policy of Above and Beyond Caregivers, LLC is to have employee requesting any type of leave of absence to submit to their supervisor a completed and signed Leave Request Form. Certification Forms must be completed where applicable.

Eligible employees will be entitled to a leave of absence without pay up to twelve (12) work weeks during a twelve (12) month period for any of the following reasons:

1. The birth of the employee's son or daughter, and in order to care for such child.
2. The placement of a son or daughter with the employee for adoption or foster care.
3. To care for the employee's spouse, son, daughter, or parent if that person has a serious health condition.
4. A serious health condition makes the employee unable to perform the functions of the employee's position.

Spouses who are both employed by the company are entitled to a total of twelve (12) weeks of leave rather than twelve (12) weeks each for the birth or placement of a child for the care of a sick parent.

Eligibility

Employees must have been employed by the company for at least twelve (12) months and worked at least 1,250 hours for the company during the twelve (12) month period immediately preceding the commencement of the leave.

Entitlement to leave due to the birth or placement of child for adoption or foster care by the employee expires at the end of the twelve (12) month period beginning on the date of the child's birth or placement.

Employees are required to substitute all earned PTO time for an equivalent part of any leave because of the birth or placement of a child, employee's serious health condition or in order to care for a family member. However, the substitution of any earned PTO time as part of a family or medical leave will not extend the employee's leave beyond the twelve (12) weeks maximum entitlement.

Intermittent or Reduced Schedule Leaves

If medically necessary for a serious health condition of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced schedule basis. The company may agree to allow the employee to take leave for birth or placement of a child on an intermittent or reduced schedule basis.

Notification and Reporting Requirements

It is the responsibility of the employee to give the company at least thirty (30) days advance notice and make efforts to schedule such a leave so as not to unduly disrupt the company's operations when the need for the leave is foreseeable.

3.I. Leave of Absence – Family and Medical Leave (FMLA)

It is the responsibility of the employee to give the company as much advance notice as possible when the need for the leave is unforeseeable. The company reserves the right to require documentation of the birth or placement of an employee's child. Employees will be required to report periodically on their leave date(s) if it is due to illness and intention(s) to return to work.

Certification of Serious Health Condition

Employees requesting leave in order to care for a family member or because of the employees own serious health condition under this policy must provide certification by the relevant health care provider using the Certification of Physician form available from the company.

Benefits during Family or Medical Leave

Employees taking a family or medical leave of absence will not lose any benefit or seniority earned prior to the commencement of the leave. Employees taking unpaid family or medical leave will not earn additional employment benefits such as PTO or seniority during the leave. Employee taking a family or medical leave will continue to have coverage under the conditions the coverage would have been provided if the employee had been at work continuously for the duration of the leave. Employees are responsible for paying their scheduled premiums.

The company may recover from the employees electing not to return to work upon completion of an approved family or medical leave of absence group health insurance premiums paid on their behalf, unless the failure to return was for reasons beyond the control of the employee.

Post-Leave Return to Work

Employees returning from an approved family or medical leave of absence of twelve (12) weeks or less will be placed in the company's pre-leave position or in an equivalent position with equivalent benefits and pay, unless the employee would not have been employed at the time reinstatement is requested. An employee's failure to return at the end of the approved leave time will be considered a voluntary quit.

Employees returning from a medical leave because of their own serious health condition will be required to provide certification from his or her health care provider that the employee is able to perform the essential functions of their position.

II. Procedures

1. It is the responsibility of the employee to complete a Leave of Absence Request Form if they know that they will need a family or medical leave of absence.
2. It is the responsibility of the employee to have a Certification of Physician Form completed by the attending physician and returned to the company a minimum of thirty (30) days prior to the requested leave.
3. It is the responsibility of the director / designee to review the completed request and either approve or deny it.

3.1. Leave of Absence – Family and Medical Leave (FMLA)

4. It is the responsibility of the director / designee to mail required forms to employee by certified mail in the event than am employee has an emergency resulting in a family or medical leave being taken.
5. It is the responsibility of the director / designee to designate family and medical leave on the employees' attendance calendar once the request is received.
6. It is the responsibility of the employee to complete and submit a Returning from Leave of Absence Request Form to the director / designee two weeks prior to returning to work.
7. It is the responsibility of the employee to provide a fit for duty statement completed by the attending physician before return from a medical or FMLA leave, work restrictions should be listed on the statement from the physician.
8. Copies of all forms pertaining to the request, conditions of the leave, the certification of physician, or the return form leave will be filed in the employee's personnel file.
9. It is the responsibility of the employee to pay their portion of the health insurance premiums during the leave of absence.
10. It is the responsibility of the director / designee to inform the employee of the requirements.

3.m. Leave of Absence – Jury Duty

I. Policy

The policy of Above and Beyond Caregivers, LLC is to encourage employee to serve on jury duty when called. Employees are required to report to work promptly on days in which their juror services do not require their presence. Employees will be allowed to use accrued PTO time for the hours they were scheduled to work for the period they are on jury duty.

II. Procedures

1. It is the responsibility of the employee to supply the company a copy of the subpoena when requesting jury duty.
2. It is the responsibility of the employee to notify his/her supervisor of his/her anticipated date of return.
3. It is the responsibility of the director / designee to track the jury duty leave on the employee's attendance calendar.
4. Documentation pertaining to the employee's jury duty shall be file to the employee's personnel file.

3.n. Leave of Absence – Military

I. Policy

The policy of Above and Beyond Caregivers, LLC is to grant military leave of absence as required by law.

II. Procedures

Long-Term Tour of Duty

Employees who enlist, are drafted, or are called to active duty shall notify director / designee immediately and shall be granted a military leave of absence from the company. Leave can extend up to a period of four (4) years without pay.

Upon return from service, the employee will be reinstated as required by law, provided the employee:

1. Makes application for reinstatement within the required time after being released from active duty.
2. Is physically qualified as determined and documented by their family physician.
3. Has a credible record as evidenced by certificate of satisfactory completion of training and/or service. Enlisted employees must be released from service under honorable conditions to qualify for reinstatement.

Short-Term Leave for National Guardsmen and Active Reservists of the Federal Armed Forces

Employees required to report for short military training periods should submit to the appropriate supervisor a completed U.S. Department of Labor Form BVRRR-603 requesting a leave of absence for that purpose.

Inquiries or Questionnaires Regarding Military Service Policy and Status of Employees

It is the responsibility of the director / designee to retain a copy of any request in the form of questions regarding the foregoing instructions and inquiries or questionnaires that are received regarding the military service policy, or the status of any former or current employees who are or have been in the military service.

3.o. Leave of Absence – Unpaid Personal Leave

I. Policy

Employees requesting any type of leave of absence must submit to supervisor a completed and signed Leave Request Form. Certification Forms must be completed where applicable.

The policy of Above and Beyond Caregivers, LLC is to grant employees an unpaid personal leave for up to thirty (30) days after one (1) year of employment. Employees must present a signed Leave Request Form to their supervisor at least four (4) weeks before the leave is to begin.

Employees using this type of leave are considered inactive and unable to receive benefits. COBRA benefits will be offered in order for group health benefits for leaves extending beyond thirty (30) days or forty-five (45) days in combination with PTO. Employees must make the total premium payments for their insurance to continue. Payments must be made before the leave is taken.

Employees that fail to notify the company of their availability for work at the conclusion of their leave, fail to report to work in the position offered by the company or failure to return to work because their leave must extend beyond the maximum allowed by the company will be considered a voluntary termination or their employment.

II. Procedures

1. It is the responsibility of the employee to complete Leave of Absence Request Form and submit to their respective supervisor.
2. It is the responsibility of the director / designee to approve or deny received requests and to notify the employee of the decision and reason if it was denied.
3. It is the responsibility of the director / designee to track the leave of absence on the employee's attendance calendar.
4. It is the responsibility of the employee to submit a completed Request to Return from Leave of Absence Form to their supervisor at least two (2) weeks prior to their expected return.

4.a. Schedules / Request of Schedule Changes / Request of Transfers

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide adequate staffing as stated in consumers' 20/20, provided by the county.

Schedules:

Above and Beyond Caregivers, LLC uses a permanent scheduling system. Once employees choose/accept their schedule by the procedure below, it stays the same until a change becomes possible and request of change is approved by the program specialist/designee.

Request of Schedule Changes:

Employees requesting a change of schedule must give at least 30 days notice to their program specialist.

Request of Transfer:

Employees requesting a transfer to a different site must give at least 30 days notice to their program specialist, transfers will only be approved if an opening exists at that site.

II. Procedures

Schedules:

1. It is the responsibility of the program specialist / designee to make sure schedules.
2. It is the responsibility of the Supervisor to pick which staff to fill openings on the schedule.
3. It is the responsibility of the all Full-Time Habilitation Technicians to work at least every other weekend or every Saturday or every Sunday.
4. It is the responsibility of the director / designee to have the employee sign a copy of their schedule and to keep it in the director's master schedule book.
5. It is the responsibility of the program specialist and Supervisors to monitor schedules and ensure that they are being followed to discipline employees not adhering to their schedules.

Request of Schedule Changes:

6. It is the responsibility of the employee to present to the program specialist the request for schedule change with at least thirty (30) days' notice prior to the change date.
7. It is the responsibility of the program specialist work with the employee in a way such as to be able to honor the request.

4.a. Schedules / Request of Schedule Changes / Request of Transfers

Request of Transfers:

8. It is the responsibility of the employee to present to the program specialist the request for transfer with at least thirty (30) days notice prior to the change date.

9. Transfer requests will only be honored if it is good for the work sites involved and will not create any unnecessary scheduling issues.

4.b. Attendance

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide the absolute best service to its clients. In order to give that level of service it is vital that there be a continuity of our caregivers. The company also acknowledges that there are unexpected and unplanned for instances in which there are no other alternatives other than the employee to miss work – refer to PTO policy. Above and Beyond Caregivers, LLC requires its employees to follow their schedule. The following procedures will be followed with regards to employee attendance. Failure to comply with this policy may result in disciplinary action up to and including termination of employment.

II. Procedures

1. It is the responsibility of the employee to report to work on time for any shift which they are scheduled.
2. It is the responsibility of the employee to follow the call-off and/or PTO policy if they are going to be absent from work.
3. It is the responsibility of the employee to call their supervisor or the on-call if they are going to be late for work.
4. Failure to follow attendance guidelines is grounds for disciplinary action. In the event of an emergency, should an employee not be able to contact the appropriate supervisor within guidelines, the director has the discretion to what/if any disciplinary action will be imposed.
5. It is the responsibility of the supervisor to immediately document all call-offs/absences and its reason on a Call-Off Slip.
6. It is the responsibility of the director / designee to track all attendance. Excessive absenteeism is grounds for disciplinary action to be determined in accordance with Policy 5.a..

EXCESSIVE ABSENCES:

More Than:

- 2 (two) unexcused per month
- 5 (five) unexcused per 6 (six) month period
- 10 (ten) unexcused per 12 (twelve) month period

EXAMPLES OF EXCUSED ABSENCES INCLUDE BUT ARE NOT LIMITED TO:

- Verified family Death/Funeral – employee must provide proof.
- Hospitalization – employee must provide proof.
- Any unforeseen/unfortunate circumstance – employee must provide proof.
- The director / designee will warrant disciplinary action if a pattern of “excused absences” in conjunction with prime days off is observed.

4.c. Call-Off / Switching Shifts

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide adequate staffing as stated in the clients' 20/20, provided by the county. Employees must be on shift as scheduled.

II. Procedures

1. It is the responsibility of the employee to notify the on-call and their Supervisor no less than four (4) hours prior to the start of the shift if they cannot work the shift due to an illness or any other emergency. Notice given less than four (4) hours prior to start of shift must find their own coverage, unless they are unable to do so due to the nature of the call-off. Eligible employees may use time from their PTO bank to cover time lost – refer to PTO policy.
2. It is the responsibility of the employee to provide requested documentation to prove reason of call-off or disciplinary action may be taken in accordance with company policy up to and including termination.
3. It is the responsibility of the employee scheduled to work their scheduled shift. If the employee switches shifts with another employee, the employee picking up the shift will be solely responsible for working that shift.
4. It is the responsibility of the employee to present a completed Switch Shift form to supervisor for approval.
5. All Switch shift forms must be turned in with time cards.

4.d. Emergency On-Call System

I. Policy

The policy of Above and Beyond Caregivers, LLC is to offer a twenty-four (24) hours a day, seven (7) days a week emergency telephone service for after-hour emergencies, crisis management and call-offs. The on-call program specialist can contact a nurse twenty-four (24) hours a day, as needed for medical emergencies.

II. Procedures

1. It is the responsibility of the program specialist / director / designee to man the on-call telephone twenty-four (24) hours a day.
2. It is the responsibility of the on-call personnel to answer all call as they come. In the event the on-call in already taking a call voicemail must be utilized. All calls left on voicemail shall be returned within fifteen (15) minutes. Voicemail messages shall include the following details:
 - a. Name of person/staff calling.
 - b. Name of client for whom person/staff is calling for/about.
 - c. Number to location to call back.
 - d. Brief description of the situation/emergency.
3. It is the responsibility of the program specialist / director / designee to receive calls from both employees and clients to report emergencies and crisis situations.
4. It is the responsibility of the program specialist / director / designee to report situations that are medical in nature to the nurse and relay the medical direction to the client and/or staff.

4.e. Dress Code

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide employees that are neat, clean, and appropriately dressed for the purpose of the task they are undertaking at that time.

Employees who are providing direct care to clients who may be aggressive are expected to take reasonable precautions such as:

- No jewelry
- No neckties
- Shoes that provide some protection (steel toed)
- Clothing that allows for movement

Employees are to take into consideration the needs of the clients when dressing:

- Additional coverage with sexually preoccupied clients
- Non offensive clothing that does not promote unhealthy activities such as:
 - Smoking
 - Drinking
 - Drugs
 - Violence
 - Promiscuity

Employees are to use reasonable judgment, prepare for possible activities and consult their supervisor when in doubt.

Above and Beyond Caregivers, LLC will not reimburse employees for lost or damaged personal property. It is the employee's responsibility to make sure the things they bring to work are secured.

II. Procedures

n/a

4.f. CPR / First Aid

I. Policy

The policy of Above and Beyond Caregivers, LLC is to ensure all employees are properly trained and currently up to date with certifications needed to ensure the health and safety of all of its clients. Free training is offered to all employees in order to provide the best service to our clients and to meet requirements of the county boards. Current certification of CPR/First Aid is mandatory for all employees. Employees will be notified when their certification is up for renewal and what free mandatory training session they are scheduled to attend. Employees that do not attend the training will be solely financially responsible to obtain current certification. Employees that allow their certification to expire will immediately be put on an unpaid suspension pending the receipt of current certification. Current certification of CPR/First Aid is mandatory for all employees that provide direct care services to clients.

II. Procedures

1. It is the responsibility of the director / designee to make sure all active employees that provide direct care have a current CPR/First Aid certification.
2. It is the responsibility of the director / designee to inform company supervisors of employees who must be put on unpaid leave for not having current certification.
3. It is the responsibility of the office staff to contact employees via email, text, telephone, postal mail, or in person regarding upcoming training and record method and date of contact.
4. The company reserves the right to hold the original documentation of certification obtained through training it provided for a period of ninety (90) days. Employees needing proof of certification shall be issued a letter stating pertinent information regard said certification on company letterhead.
5. Active employees will receive documentation of certification after a period of ninety (90) days.
6. Non-active Employees and former employees will not receive documentation of certification unless the company is reimbursed the training fees as follows:
 - a. \$50.00 - CPR only
 - b. \$35.00 - First Aid only
 - c. \$75.00 - CPR and First Aid

4.g. Certification 1 / 2 / 3

I. Policy

The policy of Above and Beyond Caregivers, LLC is to ensure all employees are properly trained and currently up to date with certifications needed to ensure the health and safety of all of its clients. Free training is offered to all employees in order to provide the best service to our clients and to meet requirements of the county boards. Current certification of Certification 1, Certification 2 & 3 (if needed) is mandatory for all employees. Employees will be notified when their certification is up for renewal and what free mandatory training session they are scheduled to attend. Employees that do not attend the training will be solely financially responsible to obtain current certification. Employees that allow their certification to expire will immediately be put on an unpaid suspension pending the receipt of current certification. Current certification of Certification 1 and Certification 2 & 3 (if needed) is mandatory for all employees that provide direct care services to clients.

- Certification 1 is mandatory to administer Oral and Topical medications without nursing delegation.
- Certification 2 is mandatory to administer Medication and Food via feeding tubes with nursing delegation.
- Certification 3 is mandatory to administer insulin injections with nursing delegation.

II. Procedures

1. It is the responsibility of the director / designee to make sure active employees that provide direct care have a current Certification 1, Certification 2 & 3 (if needed).
2. It is the responsibility of the director / designee to inform company supervisors of employees who must be put on unpaid leave for not having current certification(s).
3. It is the responsibility of the office staff to contact employees via email, text, telephone, postal mail, or in person regarding upcoming training and record method and date of contact.
4. The company reserves the right to hold the original documentation of certification(s) obtained through training it provided for a period of ninety (90) days. Employees needing proof of certification(s) shall be issued a letter stating pertinent information regard said certification on company letterhead.
5. Active employees will receive documentation of certification(s) after a period of ninety (90) days.
6. Non-active Employees and former employees will not receive documentation of certification(s) unless the company is reimbursed the training fees as follows:
 - a. \$150.00 - Initial Certification 1
 - b. \$75.00 - Initial Certification 2
 - c. \$75.00 - Initial Certification 3
 - d. \$40.00 - Each Individual Certification Renewal

4.h. OSHA Reporting

I. Policy

The policy of Above and Beyond Caregivers, LLC is to comply with all regulations set forth by the Occupation Safety and Health Act (OSHA) as they pertain to the documentation and posting of recordable, work-related illnesses and injuries.

II. Procedures

1. It is the responsibility of supervisor to complete appropriate injury reports in the event that an employee sustains a work-related injury.
2. It is the responsibility of the director / designee to review all incident report and log those incidents and/or illnesses that qualify as a recordable injury.
3. It is the responsibility of the all employees to see the back of the OSHA 200 form for clarification of what qualifies as a recordable injury.
4. It is the responsibility of the director / designee to post a completed log by February 1st. The log shall reflect all recordable injuries and/or illnesses for the prior calendar year.
5. It is the responsibility of the director / designee to remove and file the posted log by March 1st and retain the log for a period of five (5) years following the end of the year for which it relates.

4.i. Reporting and Documentation of Blood and/or Body Fluid Exposure

I. Policy

The policy of Above and Beyond Caregivers, LLC is to require employees who have experienced an incident with possible exposure to blood and/or body fluids to report the incident to their immediate supervisor and complete the appropriate incident report form prior to leaving their shift. The completed form will be forwarded to the director / designee within forty-eight (48) hours of the incident for evaluation of the exposure and appropriate post-exposure follow-up.

II. Procedures

1. It is the responsibility of the employee to notify their supervisor of any definite or possible exposure.
2. It is the responsibility of the employee to complete and turn in the Blood and Body Fluid Exposure Incident Report Form before leaving their shift on the date of the incident.
3. Completed forms shall be forwarded and reviewed by the director / designee.
4. Original reports shall be placed in the employee's personnel file after the completion of an evaluation and any appropriate follow-up.
5. A copy of the original report shall be kept in the infection control binder for inclusion in the periodic infection control reports.

4.j. Mandatory In-Services / Training

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide employees with in-service training and/or meetings on a timely basis as required by applicable state and/or federal laws or as determined by needs analysis or the identification of in-service opportunities.

All employees are expected/required to attend in-service/staff meetings as they are mandatory.

II. Procedures

1. It is the responsibility of the supervisor / designee to make co-ordinate the in-service.
2. It is the responsibility of the employees to sign the attendance sheet at the time of the in-service.
3. Employees choosing not to attend mandatory in-services are subject to the disciplinary action in accordance with policy 5.a.
4. Attendance at the monthly mandatory in-services are regarded as a “scheduled” time for all employees and will be used to meet the employees’ annual training requirement set by the state and/or county boards..
5. Copies of the completed in-service form, attendees’ signatures, and content information will be forwarded to the office assistant / designee and then placed in every attendee’s personal file as well as the staff communication logs for every site.

4.k. Release of Employment Information

I. Policy

The policy of Above and Beyond Caregivers, LLC is to maintain the confidentiality of all employment information with respect to any current or former employee. Employment information includes but is not limited to, information relating to employee selection, performance, termination, or salary/wages. Whenever a request is made for disclosure of any employment information, the following procedures will be followed.

II. Procedures

1. This policy applies to the release of information about any current or former employee of the company.
2. The administrator / designee is the only individual authorized to disclose employment-related information.
3. All requests for employment information about current or former employees for any purpose including prospective employment, credit approval, education, or any other reason must be submitted in writing.
4. It is the responsibility of the administrator / designee to release in writing only the following information relating to an individual's employment with the company.
 - a. Employee's Name
 - b. Dates of employment
 - c. Title(s) and/or Position(s) held
 - d. Known facts (backed by documentation)
5. Copies of all employee information which has been released will be maintained in the company.
6. Only written requests of employee information will honored, requests through any other medium will be denied. Reconsideration will occur once a written request is received by the director / designee.
7. Request for employee information made to unauthorized personnel shall require the requestor be informed to company policy and directed to the director / designee.
8. It is the responsibility of the director / designee to determine to refuse completion of a request submitted in writing.
9. Written requests that are requiring information that is not included in areas outlined in procedure 4.k.4., the response will only contain approved information with an attached statement which will read "Company policy prohibits the disclosure of any additional information".

4.k. Release of Employment Information

10. Lending institutions requesting financial related information which is not approved for release shall only receive the information when the following conditions are met.
 - a. Request is made in writing on official letterhead from the lending institution, Bureau of Unemployment Compensation, Department of Human Services, etc.
 - b. Request must be signed by employee the request is in regards to.
 - c. Signature on request must be verified against the signature on the employee's application.
 - d. Copy of request must be retained in the respective individual's file.
11. Requests for information by subpoena will be authorized for release by the director.
12. Employees requesting copies of information contained in their file may be given copies of their disciplinary actions or performance appraisals. All requests must be made to the director who will authorize the copies.
13. Employees releasing employment information in violation of these procedures will be subject to disciplinary action, up to and including discharge, and may also be held personally liable.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received a copy of Policy 4.a, Release of Employment Information, and understand that it is my sole responsibility to read and comply with said Policy. I recognize that failure to comply with the above referenced policy can result in disciplinary action up to and including discharge as well as subject me to personal liability.

Employee Printed Name

Date

Employee Signature

4.I. Separation of Employment

I. Policy

The policy of Above and Beyond Caregivers, LLC is to retain our employees as any type of separation directly affects the client, employee, and company. However, some degree of voluntary and involuntary employee turnover is inevitable. The following procedure for classifying and managing the separation of employment is followed in order to minimize the negative effects of separation.

II. Procedures

1. It is the responsibility of the director / designee to classify if the separation of employment as either voluntary or involuntary.
2. Voluntary Separation results from an employee choosing to end the employment relationship and tendering their resignation.
3. Involuntary Separation results from the company choosing to end the employment relationship. The employee is considered terminated and/or their position is eliminated.

Voluntary Separation

4. It is the responsibility of the employee to submit their written notice of resignation to the director and provide the company with a two (2) week notice when they decide to resign.
5. It is the responsibility of the director / designee to determine if the employee will be obligated to work out their notice.
6. Eligibility for re-employment with the company requires the employee to completely work out their notice.

Involuntary Separation

7. It is the responsibility of the director / designee to notify the employee when the company chooses to end their employment.
8. It is the responsibility of the employee to access the company's policy 3.g. if they feel the action was unjust or discriminatory.
9. Employees that have completed their probationary period must be and given copies of policy 3.g. and sign the Acknowledgment of Receipt of said forms at the time of involuntary termination.

4.m. Cell Phone and Similar Device Usage

I. Policy

The policy of Above and Beyond Caregivers, LLC is to maintain the best care for all clients. Clients require their staff's undivided attention. Mobile and cell phone usage diverts attention from the client and may lead to negative feelings and behaviors from the client. To ensure effective care of clients employees are asked to leave their phones on vibrate and to only answer calls from Above and Beyond Caregivers employees. However, on the unusual occasion of an emergency it is understandable for an employee to answer a call briefly and then to report the emergency to their immediate supervisor.

Use of a mobile / cell phone is prohibited while driving. This prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose. Employees may not use their cellular phone or similar device to receive or place calls, text messages, surf the Internet, check phone messages, or receive or respond to email while driving. We recognize that other distractions occur during driving, however curbing the use of cell phones, while driving, is one way to minimize the risk, for our employees and clients, of accidents.

II. Procedures

1. This policy applies to all employees while at a client site, driving, training, and meetings.
2. Employees are required to stop their vehicle in a safe location so that the cell phone or similar device may be used safely.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received a copy of Policy 4.m, Cell Phone and Similar Device Usage, and understand that it is my sole responsibility to read and comply with said Policy. I recognize that failure to comply with the above referenced policy can result in disciplinary action up to and including discharge as well as subject me to personal liability.

Employee Printed Name

Date

Employee Signature

4.n. Code of Ethics

I. Policy

The policy of Above and Beyond Caregivers, LLC is to maintain the best care for all clients and our Code of Ethics is not intended to duplicate or paraphrase law, statute, or agency personnel policies, nor is it intended to qualify in any way an employee's obligation to comply with those authorities. It is instead a tool to be used in helping our staff work through the often difficult ethical issues that confront them on a regular basis.

II. Procedures

1. It is the responsibility of the employee/staff to use the following Code of Ethics as a guideline in the care of our clients.
 - a. Your first responsibility is to the people you serve.
 - i. In working through ethical dilemmas, the best interests of our clients will be your first concern.
 - b. You will honor and respect all people as unique and valuable individuals.
 - i. You will recognize the danger of imposing your own priorities and values, and will seek to assist people in determining the course of their own lives and directing the means of achieving their own goals.
 - c. You will recognize and support the central importance of family and friends.
 - i. Each person is the center of a support network composed of varying numbers of family and acquaintances, including those who have a close and long-term relationship and therefore know the individual better than any professional. Even though these relationships may not always seem wise or productive, you will recognize and honor their significance.
 - d. You will support the right of adults to exercise freedom of choice in personal relationships.
 - i. You will provide information and resources in a positive and respectful manner, encouraging clients to gain self-confidence and experience all aspects of life.
 - e. You will attempt to balance legitimate need for protection with the right to function as a member of the larger society.
 - i. Through education and training, people must be empowered to deal with daily life in their neighborhood and avoid threats to health and safety. You will also recognize that over-protection can harm our clients by limiting their ability to grow and learn.
 - f. You will be cautious in making assumptions about developmental potential.
 - i. You will focus as much as possible on what our clients can do and their potential, rather than solely on their deficits and limitations.

4.n. Code of Ethics

- g. You will support full integration of our clients.
 - i. While many services and supports are necessarily unique to our clients, you will endeavor to assist and encourage our clients to exercise their right to use those services and supports that are available to all community members.
 - h. You will stay current in your field.
 - i. Our clients deserve your best effort to keep up with innovations in the field of developmental disabilities so that you can identify and present those service options that are most likely to produce positive results.
 - i. You will apply the principles of teamwork both within ABC and without.
 - i. The cornerstone of teamwork is mutual respect. While our roles are often separate, you will focus on common goals, sharing equally in the benefits and daily challenges of making difficult decisions.
 - j. You will respect the right to privacy of our clients.
 - i. You will follow the lead of the client and use your best professional judgment in sharing information with family, friends, and people who provide support to the client.
 - k. You will not engage in your personal activities while with a client.
 - i. You will not take a client on your personal activities unless special permission is given by the clients' parent, guardian, or home manager.
2. Employees choosing not to follow the code of ethics are subject to the disciplinary action in accordance with policy 5.a

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received a copy of Policy 4.n, Code of Ethics, and understand that it is my sole responsibility to read and comply with said Policy. I recognize that failure to comply with the above referenced policy can result in disciplinary action up to and including discharge as well as subject me to personal liability.

Employee Printed Name

Date

Employee Signature

5.a. Progressive Discipline

I. Policy

The policy of Above and Beyond Caregivers, LLC is to inform all employees the standard of conduct that is expected of them and to ensure all employees are treated consistently and fairly in the event than an employee violates one of the company's work rules. The purpose of corrective action is to notify employees of the inappropriate behavior and afford them the opportunity to correct it. Corrective action is not designed to be a punishment, but a way to educate the employee on the ramifications of further infraction of the work rules and to encourage the employee to correct their behavior. Incidents of Serious Misconduct are not subjective to the progressive discipline policy and shall result in the immediate termination of employment. Procedures should be followed when corrective action is administered.

II. Procedures

1. It is the responsibility of the director / designee to authorize all terminations.
2. The corrective action system will be utilized except in cases of serious misconduct.
3. It is the responsibility of the director / designee to enforce corrective action.
4. Investigation shall commence in regards to the infraction. Refer to Policy 5.d. Investigator shall secure all documentation and statements pertaining to the infraction.
5. An employee violating a work rule which is so severe that it merits termination is immediately suspended pending an investigation and is required to sign out and leave the area.
6. It is the responsibility of the director / designee to draft a disciplinary action at the conclusion of the investigation and schedule a disciplinary conference with the employee.
7. Unsubstantiated allegations of inappropriate behavior through investigation shall result in the employee being reinstated with pay for days suspended. Employees not reinstated, shall have their last day worked be set as their termination date and will not be paid for days suspended.
8. It is the responsibility of the director / designee to notify the employee of investigation results, explain the work rule violation, make aware the ramifications of further infractions and allow employee to express thoughts regarding the situation during the disciplinary conference.
9. It is the responsibility of the director / designee to document all disciplinary actions, including verbal warnings on a Disciplinary Action Form and to have the parties at the disciplinary conference sign. If the employee refuses to sign then this action must be notes and initialed by the witnesses.

5.a. Progressive Discipline

10. The original disciplinary form shall be kept in the employees file, copies are available by request.
11. Counseling is not regarded as a form of disciplinary action. If the employee's performance does not improve as a result of counseling sessions, an oral reprimand or written warning will be given. All counseling sessions must be documented.

III. Definitions

1. Critical Offenses/Level 3 Offenses:

Offenses considered serious in nature and will result in immediate termination of employment include but are not limited to the following:

- a. Overt neglect of responsibilities or duties that will result in physical or psychological harm to a client, visitor, or other employee(s).
- b. Client abandonment.
- c. Misrepresentation or falsification of work records or failure to accurately complete reports or records.
- d. Willful act causing damage to the client, employee, visitor, company's property, or client's property.
- e. Theft, misappropriation, or unauthorized possession/use of client, employee, or company property.
- f. Under the influence or in possession of an illegal substance or alcohol in client's home, company office or while caring for a client.
- g. Refusing to submit to lab test for suspected use of illegal substances or alcohol.
- h. Possession of firearms or dangerous weapons in the company's office or client's house.
- i. No Call – No Show, absence without providing notification to your supervisor.
- j. Unauthorized possession, copying, use or revealing of consumer's information or confidential information about the company's business activities.
- k. Soliciting employees and/or clients to leave Above and Beyond Caregivers, LLC for any reason.
- l. Refusing to submit to an inspection by an authorized representative of the company, of any items being carried to/from the company's premises or client's home.
- m. Insubordination or refusal to carry out work assignments as directed.
- n. Sleeping in the consumer's house.
- o. Threatening, intimidating, and fighting of any kind, whether physical or verbal on the job.
- p. Gambling on the company's premises.
- q. Excessive Absenteeism.
- r. Excessive tardiness.

5.a. Progressive Discipline

- s. Leaving work early without proper permission by on-call person.
- t. Entrance into locked or unauthorized spaces.
- u. Divulging confidential information about clients, employees, or company business.
- v. Tape/Video recording any type of conversation with other employees and/or clients.
- w. Taking pictures of clients for any other purpose besides souvenirs.
- x. Failure to meet established quality standards which have resulted in an adverse outcome.

2. Major Offenses/Level 2 Offenses:

Major offenses require a written warning for the first offense. Another violation of any company policy for work rule could be grounds for additional disciplinary action including termination. Two (2) level 2 offenses in twelve (12) months may result in termination.

Examples of violations which constitute a major offense include but are not limited to:

- a. Failure to correct or report unsafe conditions which are observed, failure to use safety devices and creating unsafe conditions.
- b. Smoking in unauthorized areas (non-smoking clients home)
- c. Failure to report injuries to self, client, or visitor.
- d. Parking violations in company vehicle.
- e. Unauthorized presence in clients' home.
- f. Repeated absences (without proper notification).
- g. Repeated tardiness.
- h. Repeated failure to comply with company's payroll procedure of signing in/out.
- i. Failure to meet established quality standards which may result in an adverse outcome.
- j. Unprofessional, immoral, indecent, offensive or disruptive language or behavior.
- k. Sharing confidential information concerning clients, employees, or company business.
- l. Failure to report situation known to be harmful to a client or employee and/or criminal acts of anyone against the company.

3. Minor Offenses/Level 1 Offenses:

Disruptive acts that result in the employee receiving a verbal warning. Disciplinary Action forms will be used to document all warnings. Termination may result if three (3) incidents of Level 1 offenses occur within a twelve (12) month period of time.

Examples of violations which constitute a major offense include but are not limited to:

- a. Supervisor not receiving at least four (4) hours notice prior to start of shift that employee will be absent.

5.a. Progressive Discipline

- b. Repeated absences (with proper notification).
- c. Repeated tardiness.
- d. Failure to attend mandatory in-service meetings.
- e. First occurrence to fail to comply with company's payroll procedures.
- f. Failure to comply with company dress code.
- g. Failure to meet established quality standards.
- h. Failure to follow instructions/procedures.
- i. Lack of attention to job responsibilities.
- j. Using client telephone without permission for personal calls.
- k. Using cell phones other than for emergencies and for more than 5 minutes.
- l. Failure to report an accident involving an on the job injury or damage to company and/or clients' property.
- m. Allowing an unauthorized person in the clients' home.
- n. Accepting tips, gifts, or gratuities from clients, their guardians or parents.
- o. Discussing pay rate and/or increase in pay rate with other employees.

4. Progressive Discipline:

Discipline in the work place is necessary to discourage any offense and/or repetition of committing offenses. Each offense (same or different) is a progressive step toward termination.

		1 st OFFENSE	2 nd OFFENSE (WITHIN 12 MONTHS)	3 RD OFFENSE (WITHIN 12 MONTHS)
MINOR	(Level 1)	Written	Written	Termination
MAJOR	(Level 2)	Written	Termination	
CRITICAL	(Level 3)	Termination		

5.b. Wrongful Termination

I. Policy

The policy of Above and Beyond Caregivers, LLC is to never wrongfully discharge an employee. Employees will only be terminated from employment if they are found to have violated company policies or work rules and have accordingly been disciplined in respect to the company's disciplinary policy.

II. Procedures

1. It is the responsibility of the director / designee to make sure supervisors follow the policy.
2. It is the responsibility of the employee to process any claim with the Dispute Resolution Procedure if they feel their legal rights have been violated.

5.c. Sexual and Other Unlawful Harassment

I. Policy

The policy of Above and Beyond Caregivers, LLC is that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, disability, religion, or any other legally-protected characteristic shall not be tolerated.

Employees have the right, under Section 703 of Title VII of the Federal Civil Rights Act of 1964, to work in an environment that is free of conduct that can be considered sexually harassing or abusive. Any employee who engages in or who perpetuates or condones sexual harassment shall be subject to disciplinary action, including termination.

Above and Beyond Caregivers, LLC, in recognizing its obligation to maintain a place of employment that is free of harassing, abusive, or disruptive conduct, shall take positive and prompt corrective action where necessary in accordance with this policy.

Employees can raise concerns and make reports without fear of reprisal.

II. Procedures

1. It is the responsibility of the employee to promptly report an incident of sexual or other unlawful harassment to their supervisor or director.
2. It is the responsibility of supervisors to promptly report any possible sexual or other unlawful harassment to the director. The director will then investigate the report in a timely and confidential manner.
3. It is the responsibility of the director / designee to discipline an employee that is proven to engage in sexual or other unlawful harassment.

6.a. Initiation of Services

I. Policy

The policy of Above and Beyond Caregivers, LLC is provide services to individuals with mental retardation and developmental disabilities because of race, color, origin, or degree of disability without discrimination; and that a person's self-esteem and dignity are linked to their ability to live as an independent member of their community.

Above and Beyond Caregivers, LLC and its employees should and will not engage in any unethical solicitation to recruit clients by promising them material things.

II. Procedures

1. It is the responsibility of the director / designee to represent the company at provider selection interviews. The director will present our Mission, Philosophy, Goal and Services we provide to the prospective client.
2. It is the responsibility of the director, program specialist, and nurse to attend all initial ISP and transfer meetings and agree upon services to be provided.
3. It is the responsibility of the director to ensure:
 - a. Transfer date set is sufficient to ensure sufficient staffing of client.
 - i. Interviewing, Hiring, and Training,
4. It is the responsibility of the program specialist / designee to make forms and books necessary for service documentation.

6.b. Service Implementation / Delivery

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide all services clearly identified in the clients' ISP in accordance with company policies, state and county rules by properly training and monitoring all employees. Employees shall be specifically trained for each client they work with and will be closely monitored by supervisors to ensure quality care.

II. Procedures

1. It is the responsibility of the director / designee to make sure all employees receive complete training prior to the first day they work with clients in accordance to policy 1.m..
2. It is the responsibility of the employees to read the clients ISP, Behavior Management Plan (if applicable) on the first day of client specific training, ask any questions, and sign the agreement to comply sheet.
3. Client specific training for new hire employees is two (2) eight (8) hours (total sixteen (16) hours) and one (1) eight (8) hour before employee's first time working with a client not at their regular site.
4. It is the responsibility of the employees providing services to read/ask questions and sign agreement sheets for clients new ISP, addendum, or new/changed behavior plan (if applicable).
5. Supervisors are to ensure agreement sheets are kept with the services plan in the clients' book and filed at the office after the service span expires.
6. It is the responsibility of all employees of the company to provide all services identified in the clients ISP as instructed and to document them as they are provided.
7. It is the responsibility of supervisors to perform random site monitoring of service delivery and client reviews to ensure clients total satisfaction.

6.c. Medication

I. Policy

The policy of Above and Beyond Caregivers, LLC is for all employees that are administering medication to clients to adhere to state medication administration rule OAC 5123:2-6 and to be trained in accordance to company policy 4.g.

All Above and Beyond Caregivers, LLC employee shall comply with the following procedure:

II. Procedures

1. It is the responsibility of the director / designee to:
 - a. Ensure all employees administering medications have current certification and be trained on company policy and documentation.
 - b. Not schedule an employee who is unable to administer medications to a client that is not self-administering.

2. It is the responsibility of the nurse / designee to:
 - a. Train all employees and report to the director/program specialist if an employee is unable to administer medication.
 - b. Prepare the MAR's for all clients by the 25th of the month for the following month.
 - c. Make corrections / updates to MAR or to give permission to a supervisor to make corrections.
 - d. Take verbal orders from doctor offices.
 - e. Coordinate all areas of medication administration and health services.

3. It is the responsibility of the supervisor / designee to:
 - a. Ensure all medications are kept in a safe and secure location.
 - b. Make changes to MAR by direct instruction from the Nurse.
 - c. Order non-routine medications.
 - d. Notify nurse if unable to get refills or newly prescribed medications from the pharmacy.
 - e. Ensure all prescribed medications are available in clients home when needed.
 - f. Dispose of any discontinued or expired medication in accordance with medication administration rules with a witness present.

4. It is the responsibility of the employees administering medications to follow the 5 rights of medication administration:
 - a. Right Client
 - b. Right Medication
 - c. Right Dose
 - d. Right Route
 - e. Right Time

6.c. Medication

5. It is the responsibility of the employee to:
 - a. Document a missed medication in accordance to medication administration guidelines.
 - b. Write an incident report for missed medication and notify the Nurse.
 - c. Assist clients to the degree the ISP states in relation to helping with medication and in accordance to the medication administration guidelines.

6. Clients that are self-administered shall only receive the amount/type of assistance the ISP states.

6.d. Payees / Handling Clients' Funds

I. Policy

The policy of Above and Beyond Caregivers, LLC is to assist clients with their finances including gift cards as outlined in their ISP.

Payees:

Above and Beyond Caregivers, LLC does not directly handle client funds as their payee. The company will work closely with PMB and 1st Corps. Services, free of charge to the client.

Handling Clients Funds:

Above and Beyond Caregivers, LLC will follow the procedure below if the ISP states that it is responsible for assisting the client with their finances including gift cards.

II. Procedures

1. Payees will send/drop monthly checks to the office. Checks can also be requested by fax, call, or email throughout the month if needed for clients.
2. It is the responsibility of the supervisor / designee to ensure that all checks are cashed and saved in a secure location at the client's home within 5 calendar days of receipt from payee.
3. It is the responsibility of the supervisor / designee to ensure a summary of financial transactions be made available to the client, guardian, team or department upon request.
4. It is the responsibility of the supervisor / designee to ensure that the client will have access to their personal funds upon request, but no later than 3 calendar days from the date of the request.
5. It is the responsibility of the supervisor / designee to ensure that any cash withdrawn from an ATM be secured immediately in a designated area and the transaction documented.
 - a. Only designated persons shall have direct access to any ATM card or the code to the ATM card.
6. It is the responsibility of the employee to sign funds in/out and keep detailed written and electronic log of transactions.
 - a. Gift cards will be recorded on a separate log.
 - b. Keep client's funds in a zipper bag when in the community.
 - i. Bag must contain cash/checks and all receipts from purchases made be the client.
 1. Bag is only to be handled by the employee.
 - c. Receipts must be initialed by employee and clients name written at top.
 - i. Amount spent should be circled.

- d. Receipts should be numbered and pasted to a receipt form and turned in to office with time sheets.
7. It is the responsibility of the employee withdrawing any funds to return the same amount of funds via cash/check/receipt to client.
 - a. Money not accounted for will be deducted from the employees' paycheck.
8. It is the responsibility of the employee to check all ledgers at the start of their shift to ensure that it is balanced.
 - a. If the ledger is not in balance the employee will make an inquiry to their direct supervisor and/or staff, they are relieving.
9. It is the responsibility of the supervisor / designee to ensure that any ledger remains in balance.
 - a. Money not accounted for will be deducted from the responsible employees' paycheck.
10. It is the responsibility of the agency / designee to reimburse any fees or fines assessed to the individual as a result of employee error including and not limited to late payment of bills.
11. It is the responsibility of the supervisor / designee to remain in coordination with the individual's payee to ensure that personal funds do not exceed Medicaid limits.
 - a. Individual needs will be assessed monthly by supervisor / designee to address to payee.
 - i. i.e.... clothing, furniture, special occasions, activities.
12. It is the responsibility of the supervisor / designee to consult the individuals' team to establish a trust in the event of the individual receiving any large amount of money.
 - a. Trust to be implemented and designed as to ensure that is no be included in the individual's assets for determining Medicaid eligibility.
13. It is the responsibility of the supervisor / designee that in the occurrence of a group setting:
 - a. One individual's money shall not pay the expenses of another individual.
 - i. All household utilities, cleaning, and maintenance costs shall be divided and paid for equally amongst household members.
 - ii. Any maintenance cost directly caused by one household member shall be paid only by that household member.
14. It is the responsibility of the supervisor / designee to assist with requested burial insurance for an individual.
 - a. Assistance provided will ensure that policies purchases with the individuals funds will be "irrevocable burial" type and will list a funeral home that the individual or guardian has selected.
15. It is the responsibility of all employees to NEVER lend or advance money to any individual.
16. It is the responsibility of the supervisor, staff, or designee to ensure that all monitoring and reports of alleged acts of misappropriation and exploitation are followed in accordance with 5123:17-02.

6.e. Transportation

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide transportation to all clients and to provide wheelchair accessible vehicles to clients who need them. Employees must have a valid driver's license and must maintain a minimal liability auto insurance. All employees driving consumers in either their own vehicle or the company's vehicle must have a Bureau of Motor Vehicle check done. A copy of their driver's abstracts must be kept on file. Employees must wear their seat belt and ensure the client is wearing theirs. Tie downs must be used when transporting clients in wheelchairs.

II. Procedures

1. It is the responsibility of the director / designee to ensure all employees have a valid driver's license, liability insurance, and a driver's abstract on file.
 - a. New employees will be asked to provide a copy of their driver's abstracts on the first day of training if their driver's abstract could not be obtained online.
 - b. Director / designee may randomly request a copy of employee's license, insurance, and abstract to verify validity.
2. It is the responsibility of the supervisor / designee to report vehicle maintenance concerns.
 - a. All vehicles are kept clean.
 - b. All vehicles contain fully supplied first aid kit.
 - c. All vehicle mileage is being logged on mileage forms and turned in with time sheets.
3. It is the responsibility of the employee to call their supervisor or the on-call if the company vehicle has a mechanical issue and other transportation will be arranged for the client.
 - a. A police report and incident need to be turned in to office the next business day, in the event of an auto accident.
 - i. Employee may be subject to a drug test in the event of an auto accident.
 - b. Employees will be in-serviced on all company vehicles that they may drive.

6.f. Monthly and Annual Activities

I. Policy

The policy of Above and Beyond Caregivers, LLC is to promote social growth via monthly and annual activities. Activities will be available to all clients and their caregivers.

Monthly Activities:

Above and Beyond Caregivers, LLC encourages client input for monthly activities. Therefore, each client will choose an activity they like best and it will be assigned a time and date on a rotating schedule. The program specialist / designee shall advertise the party to all homes and at the office. The Supervisor will of selected clients activity will participate in the organization of the activity.

Annual Activities:

Above and Beyond Caregivers, LLC offers four (4) annual activities that clients, their family and friends, all employees and their families are welcome to attend.

1. **Summer Potluck Picnic:** Occurs in the summertime. All attendees are encouraged to bring their favorite food dish to share. The company will provide drinks and a few dishes. Everyone is welcome to attend.
2. **Fall Potluck Dinner:** Held the 2nd Thursday in November. All attendees are encouraged to bring their favorite food dish to share. The company will provide drinks, turkeys, and a few dishes. Everyone is welcome to attend.
3. **End of Year Party:** Held 3rd Friday in December. The company will provide drinks and a few dishes. Everyone is welcome to attend. Staff and clients will be given gifts during the party.

II. Procedures

1. It is the responsibility of the program specialist / designee to assign monthly activities to site and inform Supervisor of the date assigned to them.
 - a. Supervisors and clients participate in monthly activities they selected.
2. It is the responsibility of the Supervisor to ensure clients attend activities they selected.
 - a. Clients not attending must have their Supervisor notify the program specialist.
 - b. Absence without good/valid reason may result in disciplinary action.
3. All monthly activities will be scheduled during the weekend when clients are not attending their day programs.

6.g. Behavior Support Management

I. Policy

The policy of Above and Beyond Caregivers, LLC is to promote the growth, development, and independence of individuals and promote individual choice in daily decision-making, emphasizing self-determination and self-management, in accordance with ODDD administrative rule 5123:2-1-02.

II. Procedures

1. It is the responsibility of the program specialist / designee to schedule employees responsible for implementing a behavior support plan to be trained by the behavior support plan specialist.
 - a. Employees missing training will watch the behavior support training tape provided by the Behavior Support Specialist.
 - i. Employees will ask questions if unclear to appropriate supervisor.
 - b. Training will be performed by the program specialist according to their knowledge of behavior plan implementation in the events that the Behavior Specialist and/or training tape not available/ready.
 - c. Employees will sign the "Agreement to Comply with Individual Behavior Management Plan".
2. It is the responsibility of the program specialist / designee to report all prohibited actions, use of unapproved behavior support methods and/or approved behavior support methods implemented in a manner prohibited by rules publicized by ODMRDD or by federal regulations or rules as a major unusual incident in accordance with rule 5123:2-17-02.
3. Implementation of Behavior Plans:
 - a. Program Specialists, Nurses, and/or Supervisors must attend all Behavior Support Meetings.
 - b. Implementation shall not occur prior to approval by behavior support committee and the human rights committee.
 - c. Implementation shall be documented on forms provided by the behavior plan specialist with the written copy of the plan.
 - d. Copy of Implementation document will be provided to the Behavior Support Specialist at the regular behavior plan meeting or as directed by the Behavior Support Specialist.
 - i. Original documentation shall never be given to the Behavior Support Specialist, county board, or any other outside agency and be available for reviews.
4. It is the responsibility of the program specialist / designee to ensure we have the following evidences:
 - a. Behavior Support Committee Review
 - b. Human Rights Committee Review
 - c. Regular Review of Behavior Support Plan
 - d. Correspondences with the Behavior Support Specialist

6.h. Unusual Incident Reporting and Investigation

I. Policy

The policy of Above and Beyond Caregivers, LLC is to protect the health and safety of clients by documenting, reporting, and taking corrective action regarding unusual incidents, in accordance with the ODMRDD administrative rule 5123:2-17-02.

Unusual Incidents

Events or occurrences involving an individual that are not consistent with routine operation, policies, procedures, or care and habilitation plan of the individual, but is not a major unusual incident as defined in the rule.

Major Unusual Incidents

Alleged, suspected, or actual occurrence of an incident that adversely affects the health and safety of an individual, including acts committed or allegedly committed by one individual against another.

Major Unusual Incidents (MUI) include but are not limited to the following:

1. **Physical Abuse** – the use of physical force that can be reasonably expected to result in serious physical harm.
 - a. Forces include, but not limited to: hitting, slapping, pushing, or throwing objects at individuals.
2. **Sexual Abuse** – Unlawful sexual conduct or contact.
3. **Verbal Abuse** – Use of words or gestures to threaten, coerce, intimidate, harass, or humiliate an individual.
4. **Misappropriation** – Depriving, defrauding, or otherwise obtaining personal property.
5. **Neglect** – Failure to provide treatment, care, goods, supervision or services necessary to maintain health and safety of an individual when there is a duty to do so.
6. **Death** – Occurrence of any type of death: natural, accidental, suicide, or homicide.
7. **Law Enforcement Involvement** – ONLY with the outcome of arrest, charges, or incarceration.
8. **Attempted Suicide** – Not ideation, ACTION which could lead to death.
9. **Missing Person** – Individual cannot be located for more than eight (8) hours unless:
 - a. ISP state differently
 - b. Prior arrangements have been made
 - c. Other circumstances indicate the individual is in immediate jeopardy.
10. **Medical Emergency** – Sudden onset of a condition that requires emergency medical intervention.
11. **Hospitalization** – Unplanned or unscheduled.
12. **Injury** – Unknown or suspicious that requires emergency medical intervention.
13. **Behavior Support Method** – Use of unapproved Behavior Support Method in a manner prohibited by rules publicized by the department or by federal regulations or rules.
14. **Rights Violation** – that adversely affects health and safety.
15. **Series of Similar Incidents** – That may have an impact on health and safety.
16. **Exploitation** – Unlawful or improper act of using an individual or an individual's resources for personal gain or profit.
17. **Failure to Report** – Failing to report an incident that leaves an individual at substantial risk of harm.

6.h. Unusual Incident Reporting and Investigation

II. Procedures

1. It is the responsibility of the employee to report to the supervisor, who will report to the program specialist an unusual incident they become aware of.
 - **Unusual Incident** – written report is to be made prior to the end of the shift.
 - **Major Unusual Incident** – verbal report is to be made immediately and the written report is to be made prior to the end of the shift.
2. It is the responsibility of the director / program specialist to report all MUI's to appropriate county board immediately.
 - a. Program Specialist shall ensure MUI report is faxed to the county boards by 3pm the next business day following the incident and keep a copy of the fax confirmation sheet with the incident report.
 - b. Director / program specialist will work with appropriate county board to investigate all MUI and take corrective action.
 - i. Program Specialists are responsible to ensure implementation of corrective actions and/or recommendations.
3. It is the responsibility of the program specialist, nurse, and/or director to review and/or investigate all UI reports.
 - a. Prior to team review to identify problem areas that needs to be corrected.
 - i. Take corrective action to fix problem areas.
 1. Document correction action on back of the incident report.
 - b. Each Incident Report must have an Administrative and/or Medical follow-up.
4. Incident Reports shall be filed in the office in the order that they occurred.
 - a. Filed in UI and MUI logs.
 - b. Readily available for quality assurance, and internal or external review.
 - i. Only copies can be given for review upon request by county boards and ODMRDD, upon request.
 1. Originals are by law to be held by the company for seven (7) years.

6.i. Unusual Incident Review and Tracking

I. Policy

The policy of Above and Beyond Caregivers, LLC is to protect the health and safety of clients by documenting, reporting, and taking corrective action regarding unusual incidents, in accordance with ODMRDD administrative rule 5123:2-17-02. The company shall conduct weekly incident reviews to identify trends and/or patterns and take corrective action.

Unusual Incidents

Events or occurrences involving an individual that are not consistent with routine operation, policies, procedures, or care and habilitation plan of the individual, but is not a major unusual incident as defined in the rule.

II. Procedures

1. It is the responsibility of the employee that becomes aware of an unusual incident to report the incident to their supervisor, who will then report to the program specialist.
 - a. A written report is to be made prior to the end of the employees shift.
2. It is the responsibility of the program specialist, nurse, and/or director to review and/or investigate all UI reports once a week for trends/patterns and problem areas.
 - a. Review to be done no later than ten (10) days after the date of the incident .
 - b. Take corrective action to fix problem areas.
 - i. Document correction action on back of the incident report.
 - ii. Document review on back of incident report.
 - c. Each Incident Report must have an Administrative and/or Medical follow-up.
3. It is the responsibility of the program specialist, nurse, and/or director to document on the Trends/Patterns Form and notify the appropriate county board if a trend or pattern is identified.
 - a. Program Specialist will ensure implementation of all corrective actions and/or recommendations after the county board's investigation.
4. Incident Reports shall be filed in the office in the order that they occurred.
 - a. Filed in Unusual Incidents and Major Unusual Incidents logs.
 - b. Readily available for quality assurance, and internal or external review.
 - i. Only copies can be given for review upon request by county boards and ODDD, upon request.
 1. Originals are by law to be held by the company for seven (7) years.
5. It is the responsibility of the director / designee to send Unusual Incidents logs, Trends/Patterns logs and review reports to the county board when requested by the due date.

6.j. Confidentiality

I. Policy

The policy of Above and Beyond Caregivers, LLC is to preserve the right of confidentiality for all clients. Clients shall be protected from disclosure of information about them without their consent or their guardians consent if applicable to persons who are not employees of the company or representatives of regulating governmental agencies.

II. Procedures

1. The Confidentiality Statement serves as a procedure for the Confidentiality Policy.
2. It is the responsibility of the employees to sign a Confidentiality Statement prior to exposure to clients or client's information.
3. It is the responsibility of the director / designee to address any and all questions regarding confidentiality or concerns regarding breaches of confidentiality.

6.k. Clients' Rights

I. Policy

The policy of Above and Beyond Caregivers, LLC is committed to protect the rights of all of our clients in accordance with state rules.

Violation of a client's rights will result in a n MUI an and a disciplinary action in accordance with policy 5.a.

II. Procedures

1. It is the responsibility of the employee to respect client' rights in delivering services to them.
 - a. Employee will sign a Clients Rights form prior to exposure to a client.

2. It is the responsibility of the director / designee to address any and all questions regarding this policy.

6.I. Universal Precautions

I. Policy

The policy of Above and Beyond Caregivers, LLC is to prevent the transmission of infectious disease among employees and clients by instituting control procedures in accordance with Universal Precautions. Universal Precautions are the best protection against all infectious diseases in that they help prevent contact with blood and other bodily fluids. All employees will practice Universal Precautions with all clients and with all other employees at all times.

General Information

1. Body Fluids to avoid contact with are:
 - Blood
 - Fluid with visible blood
 - Semen
 - Vaginal secretions
 - Womb fluid
 - Fluid around major organs, joints, and tendons.
2. Infection may occur when infected body fluids enter the body of another through:
 - Injury from sharp object:
 - i. Needle, razor, broken glass, sharp object
 - Existing cut or breaks in the skin.
 - Mucous membranes in the mouth, nose, and eyes.
3. Infection may be prevented through the use of:
 - Protective barriers such as gloves or masks.
 - Proper Handling and Disposal of infected sharp objects.
 - Proper hand washing.

II. Procedures

1. It is the responsibility of the employee to cover any wound or sore with a bandage or dressing before coming to work.
2. It is the responsibility of the employee to wear gloves any time contact with blood or other body fluids may occur. Gloves need also to be worn when in contact with other objects that have the likelihood of contact with blood and body fluids.
3. It is the responsibility of the employee to wash hands and other surfaces:
 - After contact with blood/body fluids.
 - Before/after putting on/taking off gloves and protective devices.
 - After handling potentially infected items.
 - After toileting.
 - Before Food Preparation.
 - Before/after assisting client with personal health and hygiene tasks.
 - Periodically throughout the shift.

6.I. Universal Precautions

4. It is the responsibility of the client using a disposable syringe to dispose of it in a sharps disposable container.
5. It is the responsibility of the employee that is cleaning up blood and other bodily fluids to:
 - Wear disposable gloves.
 - Use disposable materials such as paper towels.
 - Use a disinfectant containing a germicide or a 1:10 solution of household bleach.
6. Soiled laundry should be:
 - Handled as little as possible.
 - Handled with gloves.
 - Bagged to prevent leakage.
 - Washed with hot water and detergent.
7. Exposure to blood and bodily fluids, or injury from sharp objects that may have come in contact with bodily fluids must be reported as an unusual incident and the incident report must be completed according to policy 4.i.

6.m. Client Satisfaction

I. Policy

The mission and policy of Above and Beyond Caregivers, LLC is to provide the highest quality of services to individuals with mental retardation and developmental disabilities by creating for every client, their parents, guardians, and advocates we serve a team that is professional, experienced, knowledgeable, caring, understanding and willing to support their needs and enhance their skills and quality of life by helping them live, work and participate in their communities.

Above and Beyond Caregivers, LLC seeks to enforce this mission/belief through providing quality services to meet each client's needs in a safe and timely manner. Above and Beyond Caregivers, LLC will also make sure clients/guardians are completely satisfied with services, supports, and activities in which they participate.

Above and Beyond Caregivers, LLC will ensure that clients and/or guardians:

1. Are satisfied with their interaction with the staff that provide these services and supports.
2. Feel free to express their desire to change the services, supports, and activities on their ISP.
3. Feel that we, Above and Beyond Caregivers, LLC, listen, respond, and care about their choices of services, supports, and activities.

II. Procedures

1. It is the responsibility of the director / designee for monitoring client satisfaction and the resolution of conflicting issues.
2. It is the responsibility of the program specialist / designee to talk with each client, on a monthly basis and record the meeting on a Quality Assurance Form. The program specialist will talk in depth with clients concerning their satisfaction with the services provided to them and record their input.
 - a. Employees will report immediately to the program specialist / director any complaints of dissatisfaction and attempt to resolve the issue immediately if possible.
3. It is the responsibility of the director / designee to review the Quality Assurance Forms on a monthly basis.
4. It is the responsibility of the employees to follow each client's ISP to provide for the client's needs.
 - a. If changes are needed in the ISP, Program Specialists will contact the county case worker and see that the changes are made to the client/guardian/family's satisfaction.

6.n. Internal Monitoring System

I. Policy

The policy of Above and Beyond Caregivers, LLC is to implement an internal monitoring system that will ensure that each individual served receives the services and support detailed in the individual service plan (ISP), additional services and supports which are necessary but not included in the ISP, and guarantee client satisfaction.

II. Procedures

MONITORING SYSTEM IS COMPOSED OF THE FOLLOWING:

SUPERVISOR

It is the responsibility of the Supervisor to:

- Assist in the training of Staff at the site.
- Review documentation of programs detailed in the ISP.
- Review daily documentation in each client's records on a weekly basis.
 - Address all concerns with the client, staff, and program specialist.
- Review client (with payees) finances or where it is detailed in the ISP for the company to do so.
- Schedule in conjunction with program specialist bi-monthly meetings to discuss services provided and do any necessary training. Clients are welcome to attend such meetings.

PROGRAM SPECIALIST

It is the responsibility of the Program Specialist:

- Coordinate and implement all training in the home for both individuals being served as well as the support staff.
- Visit clients on a weekly basis to:
 - Review documentation on all programs.
 - Discuss client satisfaction with supports and services being received.
- Visit clients unannounced at the home at varied hours to ensure a continual monitoring system.
- Complete a weekly Home Monitoring Form.
- Completes on a monthly basis:
 - Q.A. Form.
 - Review all areas of the ISP and findings at monthly Q.A. meetings.
 - Q.A. Meetings
 - Review findings with Supervisor, Nurse, and/or Director.
 - Finance review.
 - Ensure all monies are accounted for and all spending documented.
 - Ensure all eligible hours are reviewed and billed correctly.
 - Drug Regiment of client.
 - Review records to ensure proper administration of medication.

6.n. Internal Monitoring System

NURSE

It is the responsibility of the Nurse:

- Ensure proper administration of medication.
- Act as a liaison between the client and medical agencies providing services.
- Review medications on an as needed basis.
 - Review medications at least once weekly.
- Train staff in medication administration and health related activities as defined in the Ohio administration code.

DIRECTOR

It is the responsibility of the Director to:

- Oversee the operation of all homes.
- On a weekly basis:
 - Visit clients at home.
 - Unannounced.
 - At varying times.

ON-CALL

All Supervisors, Program Specialists, Nurses, and Directors have company cell phones and are on-call/available 24 hours a day for any emergencies.

- On-call numbers will be posted at the home and provided to county case workers, doctors, guardians, and family members.

6.o. Quality Assurance

I. Policy

The policy of Above and Beyond Caregivers, LLC is to commit to the concept that each act of support and/or service is intended to improve the quality of life and support the empowerment of persons with mental retardation, mental illness, and development disabilities. We commit to understanding this is a labor of great dignity and importance and will be handled with absolute excellence.

Quality Assurance System shall be verified through the following components:

- ❖ Quality Staffing Program
 - Recruit, train, and reward staff that pride in their work and are excellent in all areas of their work.
- ❖ Internal Quality Assurance Program
 - Monitor services delivery.
 - Evaluate service outcomes.
 - Evaluate client satisfaction.
- ❖ Quality Improvement Program
 - Continually improve service delivery.
 - Obtain 100% client satisfaction.

II. Procedures

1. It is the responsibility of the program specialist / designee to conduct weekly random site checks and to document findings.
 - a. Develop and implement a plan of correction when needed.
 - i. Notify Supervisor and staff of correction(s) and ensure implementation.
2. It is the responsibility of the program specialist / designee to conduct monthly Quality Assurance Reviews and document findings.
 - a. Develop Quality Improvement Goals based on any area of weakness found.
 - i. Submit goals to Director for approval.
 1. Upon approval, organize education and training for staff to assist in reaching the goal(s) set.
 2. Continue monitoring until all goals are reached.

6.p. Clients' Records Retention

I. Policy

The policy of Above and Beyond Caregivers, LLC is to follow standard regulations in securely maintaining and keeping all clients' records.

II. Procedures

1. It is the responsibility of the director / designee to make sure clients' records are kept for the following durations:

Billing	Permanently
PAWS	Permanently
20/20	7 years
ISP	7 years
Daily Documentations	7 years
Incident Reports	7 years
HPCs	7 years
MARs	7 years
All other client documentation	7 years

6.q. Problem Resolution and Grievance Procedures

I. Policy

The policy of Above and Beyond Caregivers, LLC is to resolve any grievances that should arise be promptly addressed and resolved as to best interest of the client, guardian, family, staff, and any other party involved.

II. Procedures

Minor Problem

Problems that can be resolved by habilitation staff and/or supervisors are considered minor.

1. It is the responsibility of the habilitation staff / supervisors to:
 - a. Resolve minor issues.
 - i. Issue/problem must be reported to the program specialist.
 - b. Assist client to report issue/problem to whomever they want, if needed.
 - c. Complete incident report.
 - i. Forward report to program specialist.
 1. Forward to county case worker, if needed.
 - d. Resolve issue before it becomes major and adversely affects the client.

Major Problem

Problems that cannot be resolved by habilitation staff and/or supervisors are considered major.

1. It is the responsibility of the habilitation staff / supervisors to:
 - a. Promptly report issue to program specialist / director.
2. Issues affecting health and safety shall be written on an incident report and reported to the county case worker and (if appropriate) the MUI department.
 - a. All parties involved will work in conjunction with each other until the issue is resolved.
 - b. Clients' health and safety will be maintained.
 - c. All parties shall be satisfied with the resolution.
3. Documentation must be maintained concerning all problems and grievances along with their resolutions.

6.r. Service Termination

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide the absolute best care for our clients. In the best interest of the client that in the unlikely event we are unable to meet the clients' health and safety needs we shall initiate a service termination process. Likewise, if a client, guardian, family, or county entity feels that a change is necessary to meet the clients' needs we will respect the clients' right and agree to the client, guardian, family or county entity to initiate a service termination process.

II. Procedures

Above and Beyond Caregivers, LLC initiation of service termination:

1. It is the responsibility of the director / designee to send a sixty (60) day written notice to client/guardian/family and the county board.
2. The company shall stop providing services at any time during the 60 days if the client/guardian/family is able to locate a new provider and the provider is able to take over care.
3. It is the responsibility of the director / program specialist / habilitation staff to make the transition to the new provider as easy as possible.

Client / guardian / family / county initiation of service termination:

1. Above and Beyond Caregivers, LLC will expect a sixty (60) day written notice from the client/guardian/family.

6.s. On-Site / On-Call (O.S.O.C.) Services

I. Policy

The policy of Above and Beyond Caregivers, LLC is to maintain the best care for all clients. Clients require their staff's undivided attention. O.S.O.C. means On-Site/On-Call. Staff is to **NEVER** sleep at a site. Staff **ARE** allowed to *REST* at the site during an OSOC shift. Staff must be able to provide services during their shift and if a staff is sleeping they will be unable to provide services for a client's needs or in an emergency.

-If a client does not receive services due to staff sleeping it may lead to negative feelings and behaviors from the client.

-If an emergency occurs and staff is sleeping it may lead to staff being unable to provide lifesaving procedures or actions. Therefore, in effect putting the staff and client into danger.

Staff are allowed to rest comfortably during an OSOC shift. Staff does not perform any regular scheduled cleaning duties or activities during the OSOC portions of their shift. We recognize that OSOC shifts occur during the night when many clients and staff sleep. However we require our staff to stay awake so that all risk is minimized for our employees and clients, of unforeseen disasters or events and to provide the best service to our clients.

II. Procedures

1. This policy applies to all employees while at a client site during scheduled OSOC shifts.
2. Employees are required to stay awake during all shifts.
3. Employees are allowed to rest comfortably during the OSOC portion of their shift.
4. Employees must provide services when requested by the client.
5. Employees must provide services during an emergency.
6. Employees must stay alert during their entire shift.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received a copy of Policy 6.s, On-Site / On-Call (O.S.O.C.) Services, and understand that it is my sole responsibility to read and comply with said Policy. I recognize that failure to comply with the above referenced policy can result in disciplinary action up to and including discharge as well as subject me to personal liability.

Employee Printed Name

Date

Employee Signature

7.a. Wage Administration

I. Policy

The policy of Above and Beyond Caregivers, LLC is to provide employees with good working conditions, competitive wages, earned incentives and bonuses, and benefits.

II. Procedures

1. It is sole discretion of the director / designee to give:
 - a. Merit increase of hourly wages.
 - i. Based on annual performance review.
 1. Personnel Change Form will be completed before increase.
 - b. Performance rewards.
 - i. Based on intermittent surprise performance checks.
 - c. Annual bonuses.
 - i. Based on the success of the company as a whole.
 - ii. Distributed to all employees.

7.b. Performance Appraisal

I. Policy

The policy of Above and Beyond Caregivers, LLC is to evaluate employees' performances at the end of the introductory/probationary period and annually during the month of November, thereafter. If an employee is transferred or promoted, the first ninety (90) calendar days will be considered a new probationary period and the employee will receive a performance appraisal at the end of that period.

II. Procedures

1. It is the responsibility of the director / designee to track the status of the performance appraisals.
2. It is the responsibility of the supervisor to complete the performance appraisal form at the probationary period.
 - a. Results will be turned in with the corresponding time sheets.
 - b. Program specialist / director shall review the form and add necessary comments.
 - i. Form returned to the supervisor to review with the employee.
 1. Favorable – merit increase goes into effect.
 2. Unfavorable – probation extended thirty (30) days and appraisal process repeated one time.
 - a. 2nd process has an unfavorable result will conclude with the termination of the employee.
3. It is the responsibility of the director / designee to complete any Personnel Change Forms and file it in the employees' personnel file.

7.c. Reduction in Workforce

I. Policy

The policy of Above and Beyond Caregivers, LLC is to make every effort to avoid the reduction of our workforce. However, several contributing and extenuating circumstances may force the company to unfortunately reduce its workforce. Advance notification will be given to employees impacted by the reduction. Above and Beyond Caregivers, LLC will not discriminate in its reduction of workforce practices on the basis of age, race, color, sex, religion, national origin, or disability.

II. Procedures

1. It is the responsibility of the director / designee to approve the reduction due to the decrease in clients served.
2. Standard Reduction selection:
 - a. Temporary Employees
 - b. Contingent Employees
 - c. New Hire Probationary Employees
 - d. Regular Status Employees
 - i. Factors for the selection of regular status employees:
 1. Employees' job responsibilities.
 - a. In relation to continued operations of the company.
 2. Employees' experience.
 3. Employees' skill level.
 4. Employees' level of performance.
3. Employees on a leave of absence shall be subject to the standard reduction selection process.
4. Reduction selection is also based on the continuing operation of Above and Beyond Caregivers, LLC and on the clients it serves.
5. Employees terminated due to reduction shall be paid their earned PTO balance with their last paycheck.

8.a. Age Discrimination in Employment

I. Overview

The Age Discrimination in Employment Act of 1967 (ADEA) is intended to protect older workers from adverse employment decisions based on age. The Act, as amended, makes it unlawful to discriminate against employees because they are forty (40) years of age or older in any employment decisions which include hiring, discharge, compensation, and other terms, conditions, or privileges of employment. It is unlawful to retaliate against employee who have exercised their rights under the ADEA.

When the Act was amended in 1978, it made it unlawful for private employers and the Federal government to require mandatory retirement. This Act also prohibits discrimination on the basis of age by employment agencies and labor unions.

II. Administration and Enforcement

The Act was originally administered by the Secretary of Labor who could investigate allegations of discrimination, issue rules and regulations for administration of the law and enforce its provisions by legal proceedings. Since 1979, the Act has been administered by the Equal Employment Opportunity Commission (EEOC). Any employees who believe they have been discriminated against must file a charge with the appropriate federal or state agency within specific time limits. The EEOC has exclusive jurisdiction for sixty (60) days and may also bring suit, only after it attempts conciliation. All eligible employees may utilize the Dispute Resolution Procedure to address concerns of alleged discrimination on the basis of age.

III. Penalties

Any employee who proves discrimination may be entitled to back pay, reinstatement, attorney fees, and double damages if the violation is willful.

IV. Implication for Management

All employment decisions as described above should be made without consideration of the employee's or applicant's age.

8.b. Americans with Disability Act (ADA)

I. Overview

The Americans with Disabilities Act (ADA) was enacted into law in 1980. The law went into effect in July 1992 for all employers with twenty-five (25) or more employees. In July 1994, its requirements were extended to include employers with (15) or more employees. The purpose of the Act is to ensure that disabled people are not excluded from jobs of which they are able to perform the duties and responsibilities.

The ADA defines a disabled person as someone who has a physical or mental impairment which substantially limits a “major life activity”. This includes people who have no real disability but may be discriminated against because other people think they do. This definition includes people with AIDS, and people who are rehabilitated drug addicts and alcoholics.

The ADA requires employers to provide reasonable accommodations to assist an employee or applicant who is qualified and can perform the essential functions of a specific position. It is unlawful for employers to exclude these individuals because they are not able to perform the nonessential or marginal tasks. In these instances, employers are required to provide the applicant or employee with reasonable accommodations.

Such accommodations can include restructuring the work space, modifying or providing special equipment, interpreters, etc. The Act does not provide strict guidelines for determining whether or not an accommodation could be considered unreasonable but does take into consideration the financial impact of the accommodation on the organization. At present, the EEOC and the courts are determining on a case-by-case basis whether or not an accommodation is unreasonable.

II. Definitions

Disability – an employee has a protected disability if one or all of the following circumstances are present.

- A long term or permanent physical or mental impairment that *substantially* limits one or more major life activities such as cancer, mental retardation, epilepsy, blindness, and deafness.

Temporary, non-chronic illnesses or injuries are not disabilities such as colds, flu, broken bones, cuts, and scrapes.

- A record of having impairment.
 - Recovery from cancer or mental illness.
- Is believed to have or regarded as having such impairment such as an employer mistakenly believes employee has a disability even though the employee may not.

Qualifications – employee is “qualified” if he or she:

- Has the skills, knowledge, experience, and education, physical and other job-related requirements as defined in the job description; and can perform the essential functions of the position with or without reasonable accommodation.

Physical characteristics, personality traits, environmental or cultural problems, compulsive behaviors, sexual orientations, exhibitionism, voyeurism, gender identity disorders, may impact an employee’s ability to effectively perform the duties and responsibilities of a position are not considered disabilities.

8.b. Americans with Disability Act (ADA)

Essential Functions: The essential functions of a position are the primary or fundamental job duties. Often, they are responsibilities which are central to the positions or reasons for which the position was created. A function may be essential if any of the following conditions are met:

- The position exists to perform the function;
- A limited number of employees are assigned to perform the function;
- Present incumbents perform the function;
- The function takes up a substantial amount of time or a significant proportion of the time spent in the position is devoted to accomplishing the task; and
- There are significant consequences if the function is not performed.

Reasonable Accommodation: A reasonable accommodation is a change made to assist a disabled applicant or employee who performs the essential functions of a position. Examples are as follows:

Physical Accommodations:

- Changing the physical environment of the workplace
- Acquiring or changing environment
- Making restrooms and break areas wheelchair accessible and available to the blind or otherwise disabled.
- Modifying training materials

Applicant processes:

- Providing handwriting assistance
- Providing copies of the job descriptions identifying the essential functions
- Providing reader or interpreters

Work Environment Changes:

- Provide vacation or unpaid leave for treatment related to the condition
- Provide training
- Restructuring jobs or reassigning nonessential functions
- Modifying schedules and hours of work

Undue Hardship: When an accommodation creates any undue hardship for the employer, the employer is not obligated to make such an accommodation. Any accommodation which would be unduly costly, extensive, substantial, or disruptive or one which would fundamentally alter the nature of operations is not required. When choosing not to make an accommodation, the employer bears the burden of proving an undue hardship.

Factors to consider when evaluating a request for accommodation include:

- Nature and cost of the accommodation;
- Financial resources of the company and the number of employees;
- Financial resources and overall size of the employer
- Operation impact of the accommodation on the employee, other employees and on overall operations and
- The structure of the organization.

8.b. Americans with Disability Act (ADA)

Medical Examinations: Medical examinations for applicants can be scheduled only after a conditional offer of employment has been made. Medical examinations must be requested of all applicants considered for hire and extended a conditional offer of employment. The same physical examination requirements must be made of both disabled and non-disabled applicants. A copy of the respective job description should be provided to the examining physician prior to performing the exam. *All medical information should be maintained in a separate confidential file.*

Pre-employment Inquiries: Pre-employment inquiries into an applicant's disabilities are strictly prohibited by the ADA. This includes inquiries into the nature, severity, extent, prognosis, and treatment possibilities and duration of the disability or suspected disability.

Drug Users: The current use of, or addiction to, illegal drugs is not a disability. Rehabilitated drug users are disabled pending guidelines of the ADA. Employers can hold drug users and alcoholics to the same standards of performance, even though performance may be substandard because of the alcohol or drug use.

Benefits: Disabled employees must have equal access to the company's health insurance and all other benefits afforded to non-disabled employees. Pre-existing conditions as part of health insurance apply to disabled and non-disabled employees equally.

III. Administration and Enforcement

The Act is enforced under Title VII of the Civil Rights Act of 1964 and administered by the Equal Employment Opportunity Commission (EEOC). The Department of Labor's office of Federal Contract Compliance has recently announced that any complaints filed under the Rehabilitation Act will be considered ADA charges. Those individuals who are found to have been discriminated against on the basis of a disability have the right to bring suit in a federal court and jury trials are available.

IV. Penalties

If the court or a jury trial finds that an employee has been discriminated against because of a disability, the employee may be entitled to reinstatement, back pay, reimbursement of attorney's fees, and in certain circumstances, compensatory and punitive damages.

V. Implication for Management

The following implications for management should be considered and observed:

- All recruitment, interviewing, selection and retention practices should be evaluated to ensure equal opportunity to disabled as well as non-disabled employees.
- All employment decisions including recruitment, interviewing, selection, transfer, promotion, layoff, recall, compensation, benefits administration and training need to be evaluated in consideration of an applicant's or employee's disability. Any disabled applicant or employee must be given equal consideration to a non-disabled applicant or employee.
- Any medical question, consideration or projected treatment or duration of treatment with regards to any employee's disability or treatment for such disability needs to be made and appropriately submitted in writing by a physician
- Any employee who believes that he/she had been discriminated against on the basis of a disability may process such claims through the company's Dispute Resolution Procedure.