# DON ATTENDANT HANDBOOK
UPDATED March 26, 2020

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EMPLOYEE HANDBOOK – PERSONNEL POLICIES

WELCOME

The Board of Directors of DON Services welcomes you as a new member of our team and invites you to be part of the independent living movement. We believe that each employee contributes directly to DON’s growth and success and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and outline the policies, programs and benefits available to eligible employees. Employees are required to familiarize themselves with the content of the employee handbook upon hire, for it will answer many questions and be a helpful guide during your tenure with DON.

We hope that your experience here will be challenging, enjoyable and rewarding. Again, thank you for choosing to be part of a growing team and embarking on the journey of independent living!

Sincerely,

Board of Directors

DON
30 ORGANIZATION DESCRIPTION

DON Services is a Waiver Provider serving the greater Western Pennsylvania area including the following counties: Allegheny, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Forest, Greene, Lawrence, Mercer, Venango, Warren, Washington and Westmoreland.

Our mission statement is to: Assist people with disabilities to live how and where they choose by providing home and community-based services in Western Pennsylvania.

31 FELLOWSHIP VALUES

1. All persons with disabilities share the same values of those who do not have a disability. All Persons with disabilities:

   ➢ are created equal to all persons without disabilities.

   ➢ have common experiences in our society which can be the basis of mutual support and mutual enhancement of personal growth.

   ➢ need to work together as advocates for non-violent, progressive change to the institutions and systems of our society in order to increase their ability to serve as citizens.

   ➢ deserve the opportunities and benefits of full integration within their community and their country.

   ➢ are entitled to be referred to in respectful language terms.
are entitled to community respect to them as individuals without prejudice or bias relative to a disability of any type of severity.

understand best what they personally want and need to enable them to participate as equals within our society and should work together to solve those problems which prevent that participation.

have right to choose freely their lifestyle, profession, family composition and level of societal participation.

have the right to determine their personal level of safety related to their lifestyle and that this may or may not be consistent with the recommendations of government or medical professionals.

are entitled to equipment, services and home modifications that will reduce societal and environmental barriers which cause them to be dependent and prevent their full integration into the community.

2. The Americans with Disabilities Act (ADA) and all other civil rights legislation should be fully implemented in the American society.

32 OPERATIONAL VALUES

1. DON Services and affiliated corporations must be:

appropriately responsive to all persons regardless of race, age, sexual orientation, religion, cultural or ethnic
group membership, disability, income, education level or family status.
➢ designed, organized and delivered in a manner which demonstrates sensitivity to the unique needs of the cultural, ethnic, religious and other areas of diversity which constitutes community.

2. Persons with disabilities:
➢ will work and participate in all levels of DON Services (i.e. staff, management and board) and will consist of 51% or greater representation at each of these levels.
➢ must be consulted and given appropriate choices in all levels of service planning and service delivery from which they are expected to benefit.
➢ have the right to obtain and review records that DON Services compiles about their needs and activities.
➢ are entitled to confidentiality and privacy regarding information that they have given to any member of DON Services and that are maintained in agency records.

3. Consumers retain the ultimate authority in selection of service choices that are available without bias or prejudice toward the individual.

4. Staff will avoid any conduct that leads to dependency by consumers on that staff person and that discourages self-reliance and responsibility by that consumer in conducting their personal affairs.

5. Persons with or without disabilities who are members of the staff of DON Services and persons with disabilities who receive services from DON should regard each other as equals.
33 INTRODUCTORY STATEMENT

All references to DON in this handbook refer to DON Services and other affiliates as appropriate upon the hiring of employees.

This handbook is designed to acquaint you with DON and provide you with information about working conditions, employee benefits and personnel policies affecting your employment. You are to read, understand and comply with all provisions within the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by DON to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. This handbook is gender neutral in orientation and any specific references to “his/her” is intended as “all”. Volunteers must also comply with relevant rules and procedures listed in this handbook.

No employee handbook can anticipate every circumstance or question about policy and procedure. As DON continues to grow, the need may arise and DON reserves the right to revise, supplement or rescind any policies or portions of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or DON to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

The Board of Directors has the ultimate approval authority for all personnel policies. The Executive Director has the responsibility for implementing the personnel policies. All organizational personnel practices shall be consistent with the policies. DON
expects all employees to be guided by the spirit as well as the letter of these policies.

34 EMPLOYEE ACKNOWLEDGEMENT

The employee handbook describes important information. I understand that I should ask DON, who is my employer, regarding questions not answered here. I have entered into my employment relationship with DON voluntarily and acknowledge that there is no specified length of employment. Either I, or DON, can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state laws.

I acknowledge that revisions of the handbook information, policies and benefits may occur, except to DON’s policy of employment-at-will. I acknowledge that any changes communicated to me shall have been deemed to be received by me. I understand that revised information may supersede, modify or eliminate existing policies or employment agreements. Only the Executive Director and/or the Board of Directors of DON, who is my employer, have the ability to adopt any revisions to the policies.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand that a copy of an acknowledgement form I signed upon hire will be held in my personnel file as evidence of my receipt and knowledge of DON policies.
101 NATURE OF EMPLOYMENT

All attendants are hired on a variable hour basis, meaning with good faith, DON cannot guarantee 30 or more hours per week, or full-time employment. This is due to the nature of the personal care field of work. Therefore, DON addresses all attendants as either part time or variable hour.

Employment with DON is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause (employment-at-will). Similarly, DON may terminate the employment relationship at-will at any time, with or without notice or cause, so long as there is no violation of applicable federal and state laws. DON may exercise its right to have some or all employees under contract. Where specifically stated, the terms of that contract will take precedence over provisions listed in this handbook. Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between DON and any of its employees.

The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at DON’s sole discretion. These provisions supersede all existing policies and practices and may not be amended or added to without the expressed written consent of the Executive Director of DON.
102 Job Description

SUMMARY: Provide attendant care for persons with disabilities in that consumer’s home or community by performing the following duties.

ESSENTIAL DUTIES AND RESPONSIBILITIES: Other duties may be assigned, and all duties must be carried out in accordance with the organizational policies and applicable laws. All activities must reflect the Independent Living Philosophy.

- The Attendant will abide by the laws of the Commonwealth of Pennsylvania in conjunction with the Pennsylvania Department of Health and the Office of Long-Term Living.

- The attendant will comply with the policies and procedures established herein the DON Employee Handbook.

- The attendant will perform services in the consumer control manner within the scope of duties related to the consumer’s service plan. This means that the attendant will ask the consumers for direction in all activities and perform those activities in the manner requested by that consumer.

- The attendant should be aware that, although they are to perform duties in a consumer-controlled manner, they work for DON Services directly and not the consumer under the Agency Model of services.
The attendant will provide personal care and homemaking tasks in the consumer’s home or community as assigned by DON staff and the consumer. Personal Care tasks may include bathing, dressing and transferring. Examples of Homemaker services may include meal preparation, light housekeeping and laundry. These examples are not all inclusive.

The attendant will accompany consumers outside of the home when directed by the consumer and by DON when included in the service plan.

The attendant will assist the consumer in work or leisure activities.

The attendant will perform a variety of miscellaneous duties as requested, such as running errands and obtaining household supplies.

The attendant will report, in writing, any problems they encounter on the job or any suggestions to the consumer’s service plan.

The attendant maintains accurate records of time worked according to the 21st Century Cures Act that mandates an approved form of Electronic Visit Verification (EVV).

Medicaid only allows one service provider at a time. This applies during consumer hospitalizations. Once the consumer that you are providing services for is admitted to the hospital, you must clock out and stop service provision. Failure to do so is Medicaid fraud.
- The attendant is responsible for transportation to and from the job site, which may vary according to the consumer’s home and may be up to 50 miles from the attendant’s home.

SUPERVISORY RESPONSIBILITIES: No supervisory responsibilities are required under this position.

AUTHORITY: The employee may proceed on duties and responsibilities within the following limitations.

Attendants must obtain approval on all activities within the service plan from the consumer and all activities outside of the service plan from DON Services, Inc.

QUALIFICATION REQUIREMENTS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations under the Americans with Disabilities Act (ADA) may be made to enable individuals with disabilities to perform the essential functions:

- Must be 18 years of age or older.
- Have the required skills to perform attendant care services as specified within the consumer’s service plan.
- Possess basic math, reading and writing skills
- Possess a valid identification card and Social Security number.
- Be willing to submit to a criminal background check and/or child abuse clearance.
If/when required by the consumer, the attendant must be able to demonstrate the capability to perform health maintenance activities specified in the consumer’s service plan or be willing to receive training to be able to provide the health maintenance activities specified in the consumer’s service plan.

EDUCATION AND/OR EXPERIENCE: Less than high school education; or up to one-month related experience or training; or equivalent combination of education and experience. References stating that attendant can competently perform this work will be required. The consumers’ themselves may have specific requirements for qualifications and those requests will be honored.

LANGUAGE SKILLS: Ability to read a limited number of two and three syllable words and to recognize similarities and differences between words and between series of numbers. Ability to print and speak simple sentences is required.

MATHEMATICAL SKILLS: Ability to add and subtract two-digit numbers and to multiply and divide with 10’s and 100’s. Ability to perform these operations using units of American money and weight measurement, volume and distance is mandatory.

REASONING ABILITY: Ability to apply common sense understanding to carry out instructions furnished in written, oral or diagram form. Possess the ability to deal with problems involving several concrete variables in standardized situations.

CERTIFICATES, LICENSE AND REGISTRATION: Attendants must be able to demonstrate a problem-free record under PA ACT 33 and 34.
OTHER SKILLS AND ABILITIES: Strong people orientated skills must be demonstrated.

PHYSICAL DEMANDS: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

The ability to perform office work; must have means of independent transportation throughout the service region and the ability to participate in meetings outside of the usual service regions, including some overnight travel.

While performing the duties of this job, the employee is frequently required to use hands to fingers, handle, or feel objects, tools or controls; reach with hands and arms; and stoop, kneel, crouch or crawl. The employee is occasionally required to stand, walk and talk to hear.

The employee must frequently lift and/or move up to 40 pounds. For this reason, no light duty is available while being employed as an attendant. Specific vision abilities required by this job include close vision, distance vision, depth perception and the ability to adjust focus.

WORK ENVIRONMENT: The work environment characteristics are generally related to normal office work. Visits to other offices or businesses, and visits to the residential settings of the consumers are the normal work environment for the Personal Care Attendants. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

SPECIAL NOTE: The attendant must be acceptable to the assigned consumer.
Agency employed Personal Care Attendants are prohibited from administering injections or catheterizing any consumer.

103 Employee Relations

DON believes that the work conditions, wages and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly with their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications are much clearer and attitudes can be positive. We believe that DON amply demonstrates its commitment to employees by responding effectively to employee concerns.

104 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at DON will be based on merit, qualifications and abilities.

DON does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability or any other characteristic protected by law.
DON will make reasonable accommodations (Section 111 of the handbook) for qualified individuals with known disabilities unless doing so would result in an undue hardship to DON. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

In addition to commitment to provide equal employment opportunities to all qualified individuals, DON has established an affirmative action program to promote opportunities for individuals with disabilities who are otherwise deemed unqualified.

Employees with questions or concerns about discrimination of protected classes in the workplace are encouraged to bring these issues to the attention of the Human Resources Director or the Executive Officer of DON. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

105 HIRING RELATIVES

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. Therefore, it is DON’s policy not to have an employee who is a relative of another employee be in a position to supervise their relative.
For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood and marriage. In addition, persons residing under the same roof are considered relatives, with exception of formal congregate community housing.

106 EMPLOYEE MEDICAL EXAMINATIONS

After an offer has been made to an applicant entering a designated job category and a medical exam is determined to be required based upon the employment classification, an examination will be performed at DON’s expense by a health professional of DON’s choice. Due to reclassification or updated requirements, current employees may be required to take medical examinations. Such examinations will be scheduled at reasonable times and intervals and performed at DON’s expense. Job classifications may have health or physical requirements that must be met for eligibility and such determinations will be in compliance with applicable laws.

Information on an employee’s medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have legitimate need to know.
107 IMMIGRATION LAW COMPLIANCE

DON is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration and Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with DON within the past year, or if the previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department and/or the Executive Director. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

108 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which DON wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operations. Contact the Executive Director for more information or questions about conflicts of interest.
Transactions with outside firms must be conducted within a framework established and controlled by the executive level of DON. The Executive Director of DON is the only corporate employee that can obligate expenditures, hire employees or enter into contracts on behalf of DON. Business dealings with outside firms should not result in unusual gains for those firms or private gains for the employee.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of DON’s business dealings. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage or resides in that employee’s household.

No “presumption of guilt” is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to the Executive Director who will refer the issue to the Board of Directors for approval as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. Any issues of potential conflict of interest for any member of the staff, including the Executive Director, should be brought to the attention of the Board of Directors for review and action.

Personal gain may result not only in cases where an employee or relative has significant ownership in a firm with which DON does business, but also when an employee or relative receives any substantial gift or special consideration as a result of any transaction or business dealings involving DON. Employees must
bring to the attention of the Executive Director any such gift or special consideration immediately for guidance and disposition.

Furthermore, no employee of DON may enter into a private contract with private individuals or organizations for consultation work that is in any way related to the work or mission of DON or related to the work of that employee or other employees within DON. All such opportunities for consultation or other types of contract work must be structured through the administration of DON. Violation of this policy is grounds for immediate dismissal.

109 OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance standards of their job with DON, including travel and mandatory overtime.

All employees will be judged by the same performance standards and will be subject to DON’s scheduling demands, regardless of any existing outside work requirements. Employees may not work for themselves or outside organizations at the same time or hour that they are considered or documented as performing work for DON.

Employees must submit in writing, information pertaining to any outside employment for review as to potential conflict of interest or incompatibility with DON employment expectations. If DON determines that an employee’s outside work interferes with performance or the ability to meet the requirements of DON as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with DON. Whenever requested, full-time employees with
outside employment must acknowledge in writing that employment with DON is the primary employment and that the employee will remain responsible for duties at DON beyond the regular office hours, as necessary. Failure to adhere to this policy is grounds for termination.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside DON for materials produced or services rendered while performing their jobs.

110 Non-Disclosure

The protection of confidential consumer information and other types of confidential information is vital to the interests and success of DON. Employees must conform to the requirements of the Health Insurance Portability and Accountability Act (HIPAA). Confidentiality may also apply to information related to other employees, volunteers and board members.

Conversations about confidential information must be held in private areas. Employees are expected to caution or remind co-workers of these issues when breaches are observed. Such confidentiality includes, but is not limited to, the following examples:

- Consumer names and lists of names
- Consumer needs and services
- Consumer financial information
- DON financial information
DON personnel information

DON business information

The sharing of such information is limited to the normal course of assigned responsibilities and duties. Employees who improperly use or disclose confidential consumer information will be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information. Any questions regarding release of confidential information should be directed to the HIPAA Compliance Officer. Using confidential information during or after employment is prohibited and will be subject to legal action.

Information obtained during employment is the property of the employer. Information that is useful to the workplace must not be destroyed, altered or maintained under a password or other security system unknown to administration. Confidential or other work files removed from the workplace must be guarded closely and returned promptly. Confidential or other work files must not be stored on computers that are not owned by DON.

111 REASONABLE ACCOMMODATIONS

DON is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices are conducted in a non-discriminatory basis.

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

Reasonable accommodation is available to all employees with disabilities as defined in the Rehabilitation Act of 1973, where their disability affects the performance of the essential job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. DON will make a reasonable accommodation unless doing so would result in an undue hardship for DON.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis as per the employment category.

DON is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. DON will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

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

Employees requesting reasonable accommodation by way of specific equipment, computers or software for performance of their responsibilities should specify those needs in writing. Confidential and work files may only be maintained on DON computers. Therefore, DON will provide computers and software
that will provide access to those work files and job functions. Selection of these tools will be based upon both the employee’s needs and the employer’s need to integrate with administrative concerns. Retraining may be required to assist employees in using the equipment selected. Information stored by employees on DON computers is not private. Requested equipment or software may be deemed not to be a reasonable accommodation for performance of an essential job function. In that event, the employee may ask that the item be provided for other reasons. If DON decides not to provide the item, the employee may request that he/she bring in personally owned items. Permission for the use of such items at work is at the discretion of administration. If permission is granted, the item must be logged in the inventory as owned by the employee. However, DON accepts no responsibility for security or maintenance of the item.

The offices of DON are wheelchair accessible. DON provides print materials in accessible format upon request. Organizational documents will normally be provided in fourteen (14) point or greater, plain face front as a standard. Sign interpreters will be provided upon request. Web based information conforms to accessibility according to the World Wide Web Consortium.

Employees should participate in assisting other persons at the worksite with access needs, as able. Employees will be offered training to improve skills in providing access, such as using the Telephone Relay System and TTY.
112 EVV

The 21st Century Cures Act mandates that all home care workers use Electronic Visit Verification (EVV). Pennsylvania adopted only two approved EVV vendors, with DON Services using the approved HHAX System. All attendants must clock In and Out of every shift using one of the approved HHAX EVV methods. Please consult your IL Coordinator for any assistance or questions regarding EVV.

Best practice is to clock In no earlier than 7 minutes prior to the scheduled shift start time. The same applies to clocking Out. You should not clock Out before your scheduled shift time ends, and you must clock Out before 7 minutes past the shift end time. All clock In’s and Out’s must be done from an approved GPS location.

113 MIDNIGHT SHIFTS

All attendants are required to remain alert and awake during overnight shifts. All attendants must clock Out and then back In at midnight for all overnight shifts. There may be additional confirmed wake up text/calls that occur during overnight shifts. You are required to respond back to these alerts or risk losing all your overnight scheduled hours.
114 HOSPITALIZATION/FACILITY REPORTING

All attendants are required to immediately notify their IL Coordinator as soon as they are made aware that their consumer has been (1) brought to the Emergency Room (ER) or (2) been admitted to any Skilled Nursing Facility or (3) been admitted to any Inpatient Hospital Unit.

You must clock Out as soon as you are made aware that your consumer has been admitted to a Skilled Nursing Facility or any Inpatient Hospital Unit. You may not, as mandated by Medicaid/CMS, remain on the clock until you return to the consumer’s home, or finish any services related to authorized care. Immediately contact DON Services, even after regular business hours via the 24 hour on call system at 724-654-3340, to report a Consumer’s ER Visit, Skilled Nursing Facility Admission, or Inpatient Hospital Unit admission. Failure to follow these procedures could result in your being charged with Medicaid Fraud.

115 SCHEDULED HOURS

Your Consumer’s Managed Care Organization (MCO) authorizes Personal Assistance Services (PAS) Hours for your consumer. DON Services, along with the Consumer’s MCO, develops a care plan for every individual Consumer. These authorized services must be completed every day, as advised by the care plan, and documented properly via your approved EVV system. You must clock In and Out following the prescribed
schedule. Some MCO’s may allow for flexibility in hours per day, but you must consult with your IL Coordinator prior to making any suggested schedule changes requested by your Consumer. It does not matter if this occurs during regular business hours or not (contact on call). Failure to comply could adversely affect your paycheck. See Section 502, Work Schedules, of this handbook for further guidance.

201 EMPLOYMENT CATEGORIES

It is the intent of DON to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and DON.

Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position with DON is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. The introductory period for an attendant is a span of ninety (90) days beginning on your first day of work.

202 ACCESS TO PERSONNEL FILES

DON maintains an electronic personnel file on each employee. The personnel file includes such information as the employee’s
job application, resume, records of training, documentation of performance appraisals and salary increases and other employment records. Health related records are maintained separately from general personnel files and access is more limited.

Personnel files are the property of DON, and access to the information they contain is restricted. Generally, only supervisors, the Executive Director or his/her designee and Board Members of DON who have legitimate reason to review information in a file are allowed to do so. No personnel file shall be copied or leave DON’s office.

Employees who wish to review their own file should contact the Human Resources Director. With reasonable advance notice, employees may review their own personnel files in DON’s offices and in the presence of an individual appointed by DON to maintain the files. DON restricts access to past employment records, including performance related information.

203 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join DON are well qualified and have a strong potential to be productive and successful, it is the policy of DON to check the employment references of all applicants considered for hire. The Executive Director, his/her designee or Supervisor will respond to all reference check inquiries from other employers and may choose not to do so without justification. No employment data except for dates of employment will be released.
204 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify DON of any changes in personnel data. Personal mailing addresses, telephone numbers, numbers and names of dependents, emergency contacts, educational accomplishments and all other such status reports should be accurate and current at all times. If any personnel data has changed, notify your IL Coordinator, the Human Resources Department or Accounting Department. Changes in status related to infection control policies, abuse policies and drug use policies must also be reported in writing for the personnel files.

205 INTRODUCTORY PERIOD

The introductory period is intended to give all new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. DON uses this period to evaluate employee capabilities, work habits and overall performance. Either the employee or DON may end the employment at will at any time during or after the introductory period, with or without cause or advanced notice. If the decision is to terminate, the employee has no right to grievance.

All new and rehired employees will work on an introductory basis for the first three (3) months (90 days) after their date of hire or rehire. Employees who are promoted or transferred within DON must complete a secondary introductory period of the same length with each reassignment to a new position. Any significant
approved absence will automatically extend an introductory period by the length of the absence. If DON determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee’s performance, the introductory period may be extended for a specific period or reinstated as a period of training under a disciplinary action.

In cases of promotions or transfers within DON, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his/her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and DON’s needs.

During the initial introductory period, new employees are eligible for those benefits that they will also receive as regular employees as outlined in other areas of this handbook. After becoming regular employees, they may also be eligible for other DON-provided benefits, subjects to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during the secondary introductory period that results from a promotion to transfer with DON.

206 EMPLOYMENT APPLICATIONS

DON relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data
presented throughout the hiring process and employment. The application will become a part of the permanent Personnel Record. Any misrepresentations, falsifications or material omissions in any of this information or data may result in DON’s exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

207 PERFORMANCE EVALUATION

Supervisors and employees are encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals.

The supervisor based upon cooperation, quantity and quality, among other factors, evaluates job performance. Employees may offer comments on their performance evaluation records. Employees who are experiencing poor performance evaluations are encouraged to work more closely with their supervisor for feedback or training or may want to apply for other open positions in the organization for which they are qualified.

The performance of all employees is generally evaluated annually, but may be more or less often according to other factors. Pay raises are meritorious in nature only and are awarded on the basis of an employee receiving a performance evaluation of satisfactory or higher. Below average, or unsatisfactory, performance evaluations can and will result in the merit increase
being withheld, or a less than maximum increment being awarded. The maximum allowable merit increase of each fiscal year shall be determined by the Board of Directors just prior to the beginning of each fiscal year, and shall apply to all merit increases awarded to employees during that year. Whether or not DON will award merit increases in any given year, and the corresponding amount, is dictated by the availability of funds.

208 PROMOTIONS AND TRANSFERS

It is DON’s policy to attempt to promote and transfer staff within the organization when a current employee, by reason of skill, qualifications and prior performances, establishes that he/she is the best-qualified candidate for promotion or transfer to an available position. Toward this end, permanent full-time and part-time positions are generally announced in-house, when appropriate, prior to or simultaneously with advertising outside of DON. Such announcements are posted on an appropriate bulletin board in all office sites and also on the DON website. Any employee who wishes to be considered for a posted position should notify the supervisor conducting the employee search.

As with all other employment decisions, those decisions concerning promotion or transfer shall be made on the basis of merit.
209 TRAININGS

Throughout employment with DON, employees will be given mandatory trainings on topics that are required for Personal Care Attendants to be tested on by the Office of Long Term Living and the Pennsylvania Department of Health. In addition to the online trainings that are required for employment with DON, Personal Care Attendants will be given training annually. These trainings are to be completed during a certain timeframe that DON deems appropriate. If the annual trainings are not completed within the allotted timeframe, disciplinary action will be taken and employment with DON will be suspended until the trainings are turned in to the office.

Turning in trainings on time also affects pay increases. If an employee is due for an annual pay increase and the annual trainings have not been completed, that employee will have to wait until the trainings are turned in to the office for the pay increase to be processed. Training is an important part of an employee’s development and DON holds these trainings in high regards to assess the growth of our Personal Care Attendants.

301 EMPLOYEE BENEFITS

Eligible employees at DON are provided a wide range of benefits. A number of the programs (such as Social Security, worker’s compensation, state disability and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the
programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

- Health Plan Benefits (including family members)
- Dental Plan Benefits (including family members)
- Vision Plan Benefits (including family members)
- AFLAC Insurance Plans
- Holidays (12 days)
- Medical Leave
- Military Leave
- PA Unemployment Insurance
- Pregnancy Related Leave
- Social Security/Medicare
- Voluntary Hepatitis B Vaccine
- Worker’s Compensation Benefits
- 401-K Retirement Plan

Some benefit programs require contributions from employees. DON reserves the right at any time to reduce or eliminate employee contributions, and to institute or increase employee contributions to any employee benefit program. If the employee is not submitting a bi-weekly timesheet, benefits will be canceled.

Employees requesting a leave of absence are required to specify the anticipated date of return prior to consideration of approval of the leave. Employees seeking to return to work in advance of the
specified date of return must obtain permission in advance from the Executive Director. Management may elect to fill the vacated position with an employee of temporary employment status during this interval without prior notice or advertising.

302 401-K PLAN

DON offers a 401-K retirement plan to all employees who work one thousand (1,000) or more hours in a calendar year. DON matches contributions up to one hundred percent (100%) of the first three percent (3%) of your contributions and fifty percent (50%) of the next two percent (2%). This means if you contribute three percent (3%) of your paycheck to the fund, DON will contribute an additional three percent (3%) on your behalf. The plan also has a profit-sharing feature for employees who work one thousand (1,000) hours and remain employees at the end of the calendar year. This amount will be determined at the end of each year and will be a fixed dollar amount. A 401-K is a qualified tax deferral plan, meaning that money can be contributed through a payroll deduction and will only be taxed once it is distributed at retirement, rather than in the year it has been earned. For additional information, please refer to the 401-K handout given to you upon hire or contact the Administration Office for further details.

303 HOLIDAYS

DON Services will pay time and a half (Straight-Time Pay x 1.5) holiday pay to all eligible employees immediately upon
assignment to an eligible employment classification. Holiday pay will be calculated based on the employee’s straight time pay rate and the normally scheduled number of hours worked. Maximum number of hours worked on any holiday cannot exceed the regular number of hours that the Participating Consumer typically receives on a scheduled day not to exceed a 40-hour work week. If hours during a holiday will exceed the normal scheduled work hours, the consumer must request prior authorization to the number of hours worked during that holiday.

304 HEALTH INSURANCE

DON offers health insurance benefits for employees who are eligible. In order to meet eligibility requirements, employees must average thirty (30) or more hours per week for one (1) calendar year. All DON attendants are hired as variable hour employees, meaning there is no guarantee that they will meet the thirty (30) hours per week for eligibility. Employees will be asked to pay a month in advance before the health insurance will take effect. Once eligible, employees will receive a letter detailing the health insurance plans, costs and an enrollment/waiver form. The enrollment/waiver form must be signed and returned to DON whether you are accepting or declining the health insurance coverage.
305 WORKERS’ COMPENSATION INSURANCE

DON provides a comprehensive workers’ compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, workers’ compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illness should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither DON nor the insurance carrier will be liable for the payment of workers’ compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social or athletic activity sponsored by DON. Consultants to DON are not covered by workers’ compensation insurance.

306 DENTAL AND VISION INSURANCE

After 60 days, employees are eligible for dental and vision insurance coverage. Employees must work twenty (20) or more hours a week to qualify. To enroll, and for further information, you must contact the Human Resources Department.
401 TIMEKEEPING

Accurately recording time worked via EVV is the responsibility of every Personal Care Attendant employee. Federal and state laws require DON to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing the assigned duties.

Personal Care Attendant employees should accurately record the number of hours that they work each day. They should also record departure from work for personal reasons.

In the case of an EVV failure paper time sheets may be required and, if so, must be signed by both the Attendant and Consumer receiving services.

Altering, falsifying, tampering with time records or recording time on another employee’s time record may result in disciplinary action, up to and including termination of employment.

Personal Care Attendant employees should report to work no more than seven (7) minutes prior to their scheduled starting time nor stay more than seven (7) minutes after their scheduled stop time without expressed, prior authorization from their supervisor or consumer.

When calling off for a scheduled shift, Personal Care Attendants are to call their supervisor at least four (4) hours in advance of the start of their shift. Excessive call offs, especially those deemed unnecessary, will not be tolerated by DON. Two (2) or more call offs per month is considered excessive. All Personal Care Attendants must present a doctor’s excuse for three (3) consecutive absences. Failure to use proper call off procedures or
excessive call offs will lead to disciplinary action, up to and including termination.

All Personal Care Attendants are to call the office (724-652-5144) Monday through Friday between the hours of 8:30 a.m. to 4:30 p.m. when calling off for a shift or for any other issues. For all other issues or call offs Monday through Friday after 4:30 p.m., including weekends, please call 724-654-3340. Please ask for your supervisor.

Personal Care Attendants employees will also provide information on number of hours or leave taken on time sheets in order to generate a log relative to contract requirements and personal records.

402 PAYDAYS

Employees are paid every two (2) weeks according to a schedule of paydays. Direct Deposit is strongly encouraged. If an employee does not have a bank account, employees should contact the payroll department for additional Direct Deposit options. Each paycheck will include earnings for work performed through the end of the previous payroll period. Timesheets, if required, must be signed by both the Attendant and Consumer and must be submitted to supervisors at least ten (10) days in advance of a payday. Time sheets received later than the Wednesday following the pay period end date by the supervisor will constitute a fifteen-dollar ($15.00) processing fee that may be deducted from the Personal Care Attendants pay. Also, late time sheets may not be paid until the next pay period cycle.
Paychecks not picked up by 1 p.m. on payday by an employee or his/her designee will be mailed to the most recent address submitted by the employee. Employees wishing to have another individual pick up his/her paycheck must provide written authorization and proof of identity in order for DON to release the paycheck.

The law requires that DON make certain deductions from every employee’s compensation. Among these are applicable federal, state and local income taxes. DON also must deduct Social Security taxes on each employee’s earnings up to a specified limit that is called the Social Security “wage base”. DON matches the amount of Social Security taxes paid by each employee.

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

- Federal Withholding Tax
- FICA
- Employee’s portion of Social Security and Medicare
- State Income Tax
- Local Wage Tax
- PA SUTA Tax
- Court Ordered Wage Attachments, such as a student loan, child support, etc.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Human Resources Department or Accounting Department can assist in having your questions answered.
403 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- **RESIGNATION**: Voluntary employment termination initiated by an employee.
- **DISCHARGE**: Involuntary employment termination by the organization.
- **LAYOFF**: Involuntary employment termination initiated by the organization for non-disciplinary reasons.

Since employment with DON is based on mutual consent, both the employee and DON have the right to terminate employment at will, with or without cause, at any time. The employee may be requested to vacate the work site in advance of the last day of official employment. Conditions for removal of personal items and return of corporate property will be arranged with management.

Employee benefits will be affected by employment termination in the following manner: DON will notify a terminated employee if any benefit may be continued at the employee’s expense if the employee so chooses. The employee will be notified in writing of the terms, conditions and limitations of such continuance.

It is the intent of DON to minimize the negative impact on current employees if a reduction in the workforce becomes necessary. However, from time to time cutbacks or reductions may be unavoidable due to forces beyond its control. In some cases, a program may have to be reduced in size or terminated entirely if
funds for the operation of the program are no longer available. If this type of cutback must occur, the following guidelines will be used:

- Reductions include leave of absence and reduction in hours.
- In the event that hours have been reduced or eliminated, it is the responsibility of the Personal Care Attendant to contact DON within a thirty (30) day period to inquire about available hours. If the Personal Care Attendant does not contact DON within the allotted timeframe, it will result in a voluntary resignation and the employee will be terminated.
- Attrition (resignations, etc.) may be used as a means of reducing the size of the work force.

The administrator may implement a seniority system giving consideration to factors such as, but not limited to the following:

- Special training
- Performance evaluation
- Job specialty and responsibilities
- Program direct input

In the event the same position reappears within a six (6) month period, the former employee may be offered the position before it is offered to others.
404 PAY ADVANCES

DON does not provide pay advances on unearned wages to employees.

405 ADMINISTRATIVE PAY CORRECTIONS

DON takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and those employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee must promptly bring the discrepancy to the attention of their immediate supervisor so that corrections can be made as quickly as possible. If a discrepancy results in an overpayment to an Attendant, deductions will be made from future paychecks.

406 PRIORITY TIME

In order to ensure that the Community Members served by DON receive quality care and urgent care, Priority Time, will be granted to an attendant for two (2) hours to respond to call offs and emergency situations. DON will pay time and a half (Straight-Time Pay x 1.5) for the first two (2) hours that the attendant is with the consumer. If the consumer and the attendant agree that the attendant remain the full shift, the hours over and above the first two (2) will be paid at that attendant’s regular rate of pay.
501 SAFETY

To assist in providing a safe and healthy work environment for employees, consumers and visitors, DON has established a Workplace Safety Committee. The Human Resources Director has responsibility for implementing, administering, monitoring and evaluating the safety committee. Its success depends on the alertness and commitment of all.

DON provides information to employees about workplace safety and health issues through regular internal communication channels such as monthly Safety Committee Meetings, supervisor-employee meetings, bulletin board postings, memos or other written communications.

Some of the best safety improvement ideas come from the employees. Those with ideas, concerns or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor or manager, Safety Committee or bring them to the attention of the Executive Director, preferably in writing.

Employees are encouraged to be alert and report problems observed at all worksites. Reports and concerns about workplace safety and issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.
In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Department or the appropriate supervisor. The Incident Report Form should be completed in sufficient detail. Such reports are necessary to comply with the laws and initiate insurance and workers’ compensation benefits procedures.

502 WORK SCHEDULES

The workday for any specific employee can be modified at any time in accordance with the needs of the organization and the consumer.

Personal Care Attendant employees and regular employees working as Personal Care Attendants will schedule their work based upon the needs of the consumer of service and must be available as needed.

Employees must be responsible, independently, for getting to and from the job site which may be in consumer’s homes anywhere in the counties where services are provided by DON. The worksite assignments are based upon the needs of DON and not the employee. Employees are required to leave contact information with the office according to procedures when conducting job activities outside of the office during regular work hours. Employees should notify other employees with related job functions whenever they are on leave of absence as well as contact their direct supervisor.

Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational
demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. With that said, any alterations to the schedule including additional hours or a reduction in hours, schedule time changes and/or any other changes to the schedule must be reported to the Attendant’s IL Coordinator before these changes take effect. If any proposed changes are to occur outside of regular business hours the Attendant is to call the 24 hour on-call line at 724-654-3340 to report said potential changes to the Consumer’s scheduled hours. Failure of the Attendant to do so could result in paycheck errors and/or a reduction in the Attendant’s pay.

503 SMOKING

In keeping with DON’s intent to provide a safe and healthy work environment, smoking is prohibited throughout the workplace. This policy applies equally to all employees, consumers and visitors. Smokers should refrain from smoking outside the building in the line of travel to doorways. Smoking is forbidden in a consumer’s residence without the expressed consent of the consumer.

504 MEAL PERIODS

Those employees who are directly involved with individual consumers shall schedule appointments, break times and start and end work times which do not interfere with the work with consumers or other necessary responsibilities.
505 PERSONAL CARE ATTENDANT HOLIDAYS

Consumers often times have difficulty getting attendants to work on certain days. DON will compensate Personal Care Attendant employees, who are working as Personal Care Attendants, the following days at time and a half (Straight-Time Pay x 1.5) their regular hourly rate:

- New Year’s Eve Day
- New Year’s Day
- Valentine’s Day
- Easter Day
- Mother’s Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Day After Thanksgiving
- Christmas Eve
- Christmas Day
506 VISITORS IN THE WORKPLACE

To provide for the safety and the security of consumers, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare and avoids potential distractions and disturbances.

All employees with visitors must obtain permission from both the consumer and their supervisor. Employees are responsible for the conduct and safety of their visitors.

Employees are responsible for visits by family and friends and should obtain permission from supervisors for visits beyond normal employee break times. Family members who are consumers or volunteers will not necessarily be assigned to a family member employee and their attendance at the office or program site is at the discretion of the supervisor, rather than the employee, even if the family member is a consumer or volunteer in order to maintain proper order. Employees are not authorized to bring children and young relatives to the worksite. Administration may impose restrictions in order to preserve a safe and productive work environment.

601 MEDICAL LEAVE

DON provides medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability. For purposes of this policy, serious health conditions or disabilities include inpatient care in a
hospital, hospice, residential medical care facility and continuing
treatment by a health care provider. DON complies with the
Federal Family Medical Leave Act (FMLA) requirements. Please
contact the Human Resources Department for eligibility.

602 MILITARY LEAVE

A military leave of absence will be granted to employees to
attend scheduled drills or training if called to active duty with the
U.S. armed services. The leave will be unpaid.

Employees on two (2) week active duty training assignments or
inactive duty training drills are required to return to work for the
first regularly scheduled day after the end of training, allowing
reasonable travel time. Employees on longer military leave must
apply for reinstatement in accordance with all applicable federal
and state laws. Every reasonable effort will be made to return
eligible employees to their previous position or a comparable one.
They will be treated as though they were continuously employed
for purposes of determining benefits based on length of service,
such as the rate of annual leave accrual and job seniority rights.

603 PREGNANCY-RELATED ABSENCES

DON will not discriminate against any employee who requests an
excused absence for medical disabilities associated with
pregnancy. Such leave requests will be evaluated according to
the medical leave policy provisions outlined in this handbook and
all applicable federal and state laws.
Request for time off associated with pregnancy and/or childbirth, such as bonding and childcare, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

701 EMPLOYEE CONDUCT AND WORK RULES

An employee is responsible for cooperating with the Board of Directors, the Executive Director, his/her supervisors and all other employees in the furtherance of DON’s mission and the intent of these personnel policies and procedures.

An employee is also responsible for appropriate conduct in the following situations:

- **ACCIDENT**: An employee injured on duty or contracting a job-related illness shall immediately report the accident/illness to his/her supervisor.

- **CONFIDENTIAL INFORMATION**: All employees are required to maintain the confidentiality of consumers, personnel and agency-related information, as appropriate. Unauthorized release of confidential information shall result in disciplinary action, up to termination. Termination, in extreme cases, may be immediate.

- **POLITICAL INVOLVEMENT/LEGISLATIVE ADVOCACY**: While the agency does not specifically prohibit employees from holding public office or supporting political candidates, it is the

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employee’s responsibility to assure that such involvement on his/her part in no way jeopardizes the tax exempt status of the agency with the Internal Revenue Service (IRS) or to assure that a substantial full time effort is given to DON commiserate with terms of employment. Thus, the use of center facilities, supplies, documents, names, etc., in the furtherance of any of the above activities, unless permitted by Federal Law, is strictly forbidden and is sufficient grounds for disciplinary action. Additionally, such activities must be conducted during the employee’s personal time. Organizational costs related to lobbying or grassroots advocacy under definitions of the Internal Revenue Service (IRS) codes must be properly documented for tracking.

- **PUBLICITY**: It is the employee’s responsibility to secure permission of the Executive Director prior to the release of any publicity or printed material relating to DON and any of its activities.

- **PROFESSIONAL CONDUCT POLICY**: It is the policy of DON that employees and volunteers are encouraged to participate in organizations coalitions, and activities which support the mission and goals of the corporation. This includes working to change public attitudes and policies which discriminate against persons with disabilities or which create barriers to independence. In addition, employees or volunteers may not participate in the election of any official while acting on official agency time.
To ensure orderly operations and provide the best possible work environment, DON expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft, or any inappropriate removal or possession of property that is not owned by the employee;
- Falsification of records;
- Working under the influence of alcohol or illegal drugs, possession of alcohol or illegal drugs, distribution, sale transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- Fighting or threatening violence in the workplace or towards supervisors, consumers, other employees, etc.;
- Boisterous or disruptive activities and attitudes in the workplace or towards supervisors, consumers, other employees, etc.;
- Negligence or improper conduct leading to the damage of employer owned or consumer owned property;
- Insubordination or other disrespectful conduct;
- Violation of safety or health rules;
Sexual or other unlawful or unwelcome harassment;

Possession of dangerous or unauthorized materials, such as explosives, firearms, knives or anything deemed as a weapon in the workplace;

Excessive absenteeism, call offs or any absence without notice;

Unauthorized use of telephones, including cell phones, texting, playing games, etc., mail systems, email or employee owned equipment;

Unauthorized disclosure of confidential information

Violation of personnel policies;

Unsatisfactory performance or conduct;

Conviction of a crime having relevance to job responsibilities;

Refusal to report to assigned worksite or perform work related travel.

Employment with DON is at the mutual consent of DON and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advanced notice. However, DON believes that two (2) weeks’ notice of termination is generally in the best interest of both parties.
It is DON’s desire to provide a drug-free, healthy and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. The consumption or the state of being under the influence of alcohol or drugs on the premises is not permitted. Suspected offenders will be required to take a drug and alcohol test before returning to work and may be subject to random drug and alcohol screenings at any time during employment with DON.

While on consumer and DON premises and while conducting business-related activities off DON premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger or disrupt other individuals in the workplace. If the employee believes he/she cannot perform the essential functions of the position or that fellow employees or consumers are at risk, the employee must report this situation to his/her immediate supervisor. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Executive Director to receive assistance or referrals to appropriate resources in the community.
Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance, abide by all DON policies, rules and prohibitions relating to conduct in the workplace, if granting such leave will not cause DON any undue hardship.

Under the Drug Free Workplace Act, an employee who performs work for a government contract or grant must notify DON of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction. Employees with questions on this policy or issues related to drug and alcohol use in the workplace should raise their concerns with their supervisor or the Executive Director without fear of reprisal.

703 SEXUAL AND OTHER UNLAWFUL HARASSMENT

DON is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes or comments based on an individual’s sex, race, ethnicity, age, religion or any other legally protected class will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship and is strictly prohibited.
Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his/her supervisor immediately. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Human Resources Director or Board Officer (only if the incident involves the Executive Director). Employees can raise concerns and make reports without fear of reprisal.

Any employee or supervisor who becomes aware of possible sexual or other unlawful harassment should promptly advise the Human Resources Director, Executive Director or Board Officer, who will handle the matter in a timely and confidential manner. Any employee accused of harassment will be suspended without pay pending investigation or reassigned at the discretion of the Human Resources Director and/or the Executive Director. The matter will be promptly investigated. Employees alleging harassment by a consumer can request reassignment at any time.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

704 PERSONAL APPEARANCE

Dress, grooming and personal hygiene standards contribute to the morale of all employees and affect the business image DON presents to visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and
directed to return to work in appropriate attire. Under such circumstances, employees will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate attire. Failure to comply with a supervisor’s opinion may lead to disciplinary action.

705 RETURN TO WORK

It is DON’s intent to make every effort to provide temporary modified duty assignments available to injured employees based upon the restrictions provided by a treating physician. The Human Resources Department will be responsible in helping coordinate the temporary modified duty work assignments. As such, they will be provided a copy of the employee’s restrictions and the date of the next office visit. This information will be kept in the employees personnel file in our HIPAA protected electronic records management system.

706 RETURN OF PROPERTY

Employees are responsible for all property, materials or written information issued to them or in their possession of control. Employees must return all DON property immediately upon request or upon termination of employment. Where permitted by applicable laws, DON may withhold from the employee’s check or final paycheck the cost of any items that are not returned when required or other charges for damages, replacement or labor. DON may also take all action deemed appropriate to recover or protect its property, including expense advances.
707 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with DON. Although advanced notice is not required, DON requests at least two (2) weeks’ written resignation notice from all employees. Prior to an employee’s departure, an exit interview may be scheduled to discuss reasons for resignation and the effect of resignation on benefits.

Due to the large size of attendants employed, it is always the employee’s responsibility to contact the agency when his/her hours have been reduced, eliminated with a consumer or placed in an on-call status. The employee has up to thirty (30) days to contact the agency inquiring about available work. If the employee does not contact the agency within the allotted timeframe, this will be a voluntary resignation of employment and the employee will be terminated.

An on-call employee who refuses to accept a shift three consecutive times will be considered a voluntary resignation and their employment with DON will be terminated.

If, at any time or under any circumstances, an employee feels that the situation of a consumer’s home is unsafe, they may request reassignment or resign their position effective immediately.

708 SECURITY INSPECTIONS

DON wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials.
To this end, DON prohibits the possession, transfer, sale or use of such materials on its premises. DON requires the cooperation of all employees in administering and adhering to this policy.

709 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by DON may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not distribute information on commercial goods for sale other than what are fundraising items for non-profit organizations.

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Employee’s rights and responsibilities
- Employee announcements
- Job openings

If employees have a message of interest to the workplace, they may submit it to the supervisor for approval. The supervisor will post all approved messages.
710 DRUG TESTING

DON is committed to proving a safe, efficient and productive work environment for all employees. Using or being under the influence of drug or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthy working environment, any employee may be asked to provide substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol at the expense of DON. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment. Questions concerning this policy or its administration should be directed to the Human Resources Director.

711 PROGRESSIVE COUNSELING

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

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

This is why DON calls all disciplinary action forms “employee counseling forms”. Our goal is to counsel, or teach, employees
the right way to conduct themselves throughout their career with DON. Also, employees may be asked to be trained in certain areas DON feels they may be lacking to ensure counseling goals are met.

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

Disciplinary action may call for any of the four (4) steps: verbal counseling, written counseling, suspension without pay or termination of employment, depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps may be bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for verbal counseling; a next offense may be followed with a written counseling and/or training on the subject causing disciplinary action; another offense may lead to suspension; and another offense may then lead to termination of employment.

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

Extremely serious infractions may also require that DON place an employee on probationary status for up to six (6) months. Under that status, termination may be warranted for any further infractions related or unrelated to the serious infraction that evoked the probationary status.
While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct section of this handbook and the Work Rules form signed upon hire includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected during the counseling stage, benefiting both the employee and DON.

712 PROBLEM RESOLUTION

DON is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion or question receives a timely response from DON supervisors and the Executive Director.

DON strives to ensure fair and honest treatment of all employees. Supervisors, managers and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism. If employees disagree with established rules of conduct, policies or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with DON in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable,
they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step:

1. The employee presents the problem to their immediate supervisor after the incident occurs. If the supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present the problem to the Human Resources Director.

2. Supervisor responds to problem during discussion or after consulting with appropriate management, when necessary. Supervisor documents discussion.

3. Supervisor counsels and advises employee, assists in putting the problem in writing.

4. Employee presents problem to the Human Resources Director if problem is unresolved. If necessary, the Human Resources Director will consult with the Executive Director and/or the Appeals Committee of the Board of Directors for review of the problem.

5. Employee presents the problem to the Executive Director and/or the Appeals Committee of the Board of Directors in writing. Here the problem will be reviewed and considered.

6. Executive Director and/or Appeals Committee of the Board of Directors informs employee of decision and forwards copy of written response to the Human Resources Department to be placed in employee’s personnel file. The Executive Director and/or Appeals committee have full authority to make any adjustments deemed appropriate to resolve the issue.
Not every problem can be resolved to everyone’s total satisfaction, but through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone’s job security.

713 CONSUMER ABUSE REPORTING

Purpose: This document applies to “critical incidents” and “reportable events” as defined under The PA Department of Human Services Office of Long-Term Living, PA Department of Health Division of Nursing Care Facilities, PA Department of Human Services Adult Protective Services, PA Department of Aging Older Adults Protective Services, and any Community Health Choices Managed Care Organization (CHC MCO) directives. The following outlines the agency’s internal procedures for reporting any event which seriously compromises quality assurance and patient safety including these “critical incidents” and “reportable events.”

PA Department of Human Services Office of Long-Term Living (OLTL)


Critical incidents are NOT complaints, which are expressions of dissatisfaction with program operations, activities or services received or not received, involving home and community-based
services. Critical incidents are also NOT Program fraud and financial abuse.

A critical incident is defined as the occurrence of an event that jeopardizes the participant’s health and/or welfare. This includes but is not limited to the following:

1. **Death** (other than by natural causes), **Serious Injury** or **Hospitalization** (pre-planned hospitalizations are not critical incidents).

2. **Provider and staff member misconduct** including deliberate, willful, unlawful or dishonest activities.

3. **Abuse**, including the infliction of injury, unreasonable confinement, intimidation, punishment or mental anguish. Abuse includes the following:
   - (a.) Physical Abuse
   - (b.) Psychological Abuse
   - (c.) Sexual Abuse
   - (d.) Verbal Abuse

4. **Neglect** – Failure to provide reasonable care including, but not limited to, food, clothing, shelter, medical care, personal hygiene, and protection from harm. Seclusion, which is the involuntary confinement of an individual alone in a room or an area from which the individual is physically prevented from having contact with others or leaving.

5. **Exploitation** – An act of depriving, defrauding or otherwise obtaining the personal property of a consumer in an unjust or cruel manner, against one’s will, or without one’s consent or knowledge for the benefit of self or others.
6. **Service Interruption** – An event that results in the consumer’s inability to receive services and that places the consumer’s health or welfare at risk.

7. **Medication Errors** – That result in hospitalization, an emergency room visit or other medical intervention.

**Mandatory Reporting** - It is mandatory that incidents involving individuals who receive home and community-based services are reported. This applies to incidents that happen AT ANY TIME, including:

1. Critical incidents that occur during the time a service is being provided, **and**
2. Critical incidents that occur during the time an agency is contracted to provide services but fails to do so, **and**
3. Critical incidents that occur at times **other** than when an agency is providing or is contracted to provide services (if the agency becomes aware of such incidents).

**Consumer Autonomy** - Consumers under any model of service have the right to report incidents at any time. They should be encouraged to report an incident but are not required to do so. No adverse consequences from OLTL will result from a consumer’s decision not to report. **A consumer’s decision not to report an incident does not remove the responsibility of a provider from reporting it.** Consumers shall not be terminated or threatened with the loss of services because they file complaints or incidents of any kind.
PA Department of Health Division of Nursing Care Facilities

Events required to be reported within 24 hours of the event are outlined in Long Term Care Provider Bulletin No. 2012-11-13 dated May 28, 2013 and are as follows:

1. **Complaint of Resident Abuse, Confirmed or Not** – Abuse means the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.

   (a.) Verbal Abuse – Any use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distance, regardless of their age, ability to comprehend or disability. Examples include threats of harm and saying things to frighten a consumer.

   (b.) Sexual Abuse – Includes sexual harassment, sexual coercion or sexual assault.

   (c.) Physical Abuse – Includes hitting, slapping, pinching, and kicking.

   (d.) Mental Abuse – Includes humiliation, harassment, threats of punishment or deprivation.

   (e.) Involuntary Seclusion – Separation against the consumer’s will. Emergency or short-term separation will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until a plan of care is developed to meet the consumer’s needs.
2. **Death Due to a Medication Error or Adverse Reaction to Medication**

3. **Death Due to Injury, Suicide, or Unusual Circumstances**

4. **Death Due to Malnutrition, Dehydration or Sepsis**

5. **Elopement** – Consumer leaves home without attendant being aware that the consumer has done so.

6. **Reportable Diseases** – Examples include scabies, lice, cancer, chickenpox, influenza, lyme disease, mumps, shigellosis, etc.

7. **Hemolytic (Blood) Transfusion Reaction**

8. **Misappropriation of Resident Property** – The deliberate misplacement, exploitation, or wrongful (temporary or permanent) use of a consumer’s belongings or funds without the consumer’s consent. Examples include missing or lost consumer medicine, missing consumer money or personal items, etc.

9. **Notification of Interruption/Termination of Any Service Vital to the Continued Safe Operation of the Facility or the Health and Safety of its Personnel, Including But Not Limited to Anticipated or Actual Termination of Utilities**

10. **Other** – Any event that could seriously compromise quality assurance or resident safety and does not fit under
any other category. Examples include unsafe practices by outside individuals such as a terroristic threat from a family member, and unsafe practices by the consumer such as attempted suicide and illegal drug use.

11. **Neglect** – Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness.

12. **Rape** – Should be reported as Complaint of Resident Abuse, Confirmed or Not. Includes any other reporting of rape (i.e. staff, visitor, anyone else in home).

13. **Receipt of a Strike Notice**

14. **Significant Disruption of Service Due to Disaster such as Fire, Storm, Flood, Earthquake or Other Natural Disaster**

15. **Transfer / Admission to Hospital Because of Injury / Accident**

16. **Unlicensed Practice of a Regulated Profession** – Practicing without a license or an expired license. Treatment completed without an order.

Mandatory reporting requirements are as outlined in the PA Department of Human Services Mandatory Reporting Informational Guidance Updated August 2016 (APS), and the PA Department of Aging Older Adults Protective Services Act.

The APS Act was implemented to provide for the protection of abused, neglected, exploited or abandoned adults. The APS act protects residents of the Commonwealth between 18 and 59
years of age who have a physical or mental impairment that substantially limits one or more major life activities.

The OAPS Act covers older adults (60+) who lack the capacity to protect themselves and are at imminent risk of abuse, neglect, exploitation or abandonment.

Definitions:

**Abuse** - The occurrence of one or more of the following acts: (1) The infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish. (2) The willful deprivation by a caregiver of goods or services which are necessary to maintain physical or mental health. (3) Sexual harassment, rape or abuse. The term does not include environmental factors which are beyond the control of an adult or a caregiver, including, but not limited to, inadequate housing, furnishings, income, clothing or medical care.

**Neglect** - The failure to provide for oneself or the failure of a caregiver to provide goods, care or services essential to avoid a clear and serious threat to the physical or mental health of an adult. The term does not include environmental factors that are beyond the control of an adult or the caregiver, including, but not limited to, inadequate housing, furnishings, income, clothing or medical care.

**Exploitation** - An act or course of conduct by a caregiver or other person against an adult or an adult's resources, without the informed consent of the adult or with consent obtained through misrepresentation, coercion or threats of force that results in monetary, personal or other benefit, gain or profit for the perpetrator or monetary or personal loss to the adult.

**Abandonment** - The desertion of an adult by a caregiver.

An administrator or employee of a facility who observes suspected abuse, neglect, exploitation or abandonment or has reasonable cause to suspect that abuse or neglect has occurred will immediately assure the recipient’s health and safety. After assisting the recipient, an employee or administrator will follow the reporting requirements set
forth in the Acts, including an immediate oral report to the statewide Protective Services Hotline at 1-800-490-8505.

In addition to the general reporting requirements covering the above, additional reporting requirements are imposed if there is reasonable cause to suspect that a consumer is the victim of the following:

**Sexual Abuse** - Intentionally, knowingly or recklessly causing or attempting to cause rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault or incest.

**Serious Injury** - An injury that causes a person severe pain; or significantly impairs a person’s physical functioning, either temporarily or permanently.

**Serious Bodily Injury** - Injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of a body member or organ.

**Death That is Suspicious**

An Administrator or Employee of a facility who has reasonable cause to suspect that a consumer is the victim of sexual abuse, serious injury, serious bodily injury or a death that is suspicious will also immediately make an oral report to law enforcement officials and the Supervisor and ILC. An Administrator or Employee will also make an immediate oral report to the Department of Human Services / Adult Protective Services Division by calling the mandatory abuse reporting line at 717-265-7887 (Option #3 for Adult / Option #2 for Older Adult).

**REPORTING PROCESS/PROCEDURE:**

DON and its employees are to report, where applicable, all alleged incidents to OLTL, CHC MCO’s, Adult Protective Services / Older Adult Protective Services and the DOH.
1. Any event that occurs that could be considered an incident, or an alleged incident, should be conveyed to the DON Supervisor. 911 should always be called first to protect the consumer in the case of an emergency.

2. The Supervisor and ILC will gather enough information to relay the details of the event in an e-mail to his/her Supervisor (VP’s) and the Compliance Department.

3. At this same time the ILC will also ask the consumer’s permission to report the incident; with an explanation that reporting an incident is mandatory.

4. The Supervisor/VP/Compliance Department will determine if the event meets the definition of an incident, and if it is necessary to report the incident to the Service Coordinator, OLTL, CHC MCO’s, Adult Protective Services / Older Adult Protective Services, and the DOH. Critical and reportable incidents are defined above.

5. For any incident the Supervisor will then complete an incident report. If the incident needs to be reported to the Service Coordinator, OLTL, CHC MCO’s, Adult Protective Services / Older Adult Protective Services and the DOH, the protocol established by state standards and directives will be followed.

Copies of all incident reports will be placed in the consumer’s file.

714 CLEARANCES

DON is required to obtain appropriate Criminal Record Checks on all Personal Care Attendants.

Child Abuse Clearances and FBI checks will only be run on Personal Care Attendants who are hired on an on-call basis or
who will be working in a home where there are known children under the age of eighteen (18).

801 LIFE-THREATENING ILLNESS

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

Medical information on individual employees is treated confidentially in compliance with all HIPAA regulations. DON will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment. Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Human Resources Department for information and referral to appropriate services and resources.
802 RECYCLING AND ENERGY CONSERVATION

DON supports environmental awareness by encouraging recycling and waste management in its business practices and operating procedures. Success of this program depends on active participation by all of us. Employees are encouraged to make a commitment to recycle and be a part of this solution. Paper and other supplies should be used in an energy efficient and cost-effective manner.

803 INFECTION CONTROL POLICY

Consideration shall be given to provision of a safe and healthy environment for all consumers and staff and specific procedures shall be applied for the prevention of communicable disease transmission. DON has the right to deny placement or employment based on such medical information. Staff are required to report to their supervisor if they suspect that they have an infection that may be contagious. Consumers or staff with infectious conditions that can affect service programs will be considered individually for program participation or employment on a case by case basis in a manner which adheres to policies established by the U.S. Center for Disease Control. There is a specific policy referring to AIDS and HIV Positive persons. Since DON sends employees into the homes of people with disabilities and others, it is DON’s policy to comply with regulations from the Occupational Safety and Health Administration (OSHA). Therefore, employees are required to comply with the Exposure
Control Plan adopted by the DON Board of Directors. Within this plan, DON employees are entitled to the following benefits at no cost to the employee:

- Training on the handling of potentially infectious material
- Voluntary Hepatitis B Vaccine
- Medical Evaluation after exposure incidents
- Protective Personal Equipment, such as gloves, gowns, facemasks, etc.
- Two Step Tuberculosis Screening prior to employment

It is the responsibility of the employee to inform their immediate supervisor of a need for any of the benefits at any time.

DON employees who work with consumers directly must comply with established tuberculosis screening procedures. These procedures reflect regulations pertaining to programs eligible for payment under the Medicaid and Medicare systems and are mandatory. Compliance with this policy is required for employment.

Other infectious disease may require specific procedures or tests. Some procedures or tests may be specific to a job classification. These procedures and requirements will be announced and compliance with the procedure is required.
804 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow operating instructions, safety standards and guidelines.

Please notify your supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair, including normal scheduled maintenance. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee’s responsibility for maintenance and care of equipment or vehicles used on the job. Specific rules apply to drivers of organizational vehicles.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. The personal use of equipment and vehicles must be authorized.

A personal means of transportation may be required for some positions. The regular availability of this is the responsibility of the employee. If an employee uses his/her personal care for agency related business, proof of insurance and a valid driver’s license are required to be on file in the personnel file. Changes in status of insurance or license must be reported immediately.
805 GAURDIANSHIP AND POWER OF ATTORNEY

This policy affirms that all individuals affiliated with DON are prohibited from assuming guardianship or Power of Attorney over a consumer receiving services.

This policy also affirms DON compliance with the standards set forth by the Office of Long-Term Living (OLTL) regarding individuals who are ineligible to receive payment for personal assistance services provided to Waiver participants.

All hiring packets for Agency Employed Attendants will include a form to be completed and signed by the Personal Care Attendant indicating that he/she is NOT a spouse, legal guardian or power of attorney in relation to the consumer to whom the services are to be provided.

806 FALSE CLAIMS LAWS AND PREVENTION

DON and its affiliated entities (“the organization”) are committed to complying with the requirements of Section 6032 of the Federal Deficit Reduction Act of 2005 and all other federal and state laws prohibiting fraud, waste and abuse in seeking reimbursement under the Medicaid and Medicare programs, and to preventing and detecting any fraud, waste or abuse in the organization. To this end, the organization maintains a compliance program and strives to educate its work force on
fraud and abuse laws, including the importance of submitting accurate claims and reports to the Federal and State governments. The organization’s compliance policies and procedures are set forth in detail in its compliance plan, and in the employee handbook provided to each employee.

The organization prohibits the submission, including any deemed knowing submission of a false claim for payment from a federally or state-funded health care program or insurer. Such a submission is a violation of Federal and State law and can result in significant administrative and civil penalties under the Federal False Claims Act, a federal statute that allows private persons to help reduce fraud against the United States government.

The organization also prohibits the submission, including any deemed knowing submission of a false claim for the payment from a private person or payer.

In furtherance of this policy and to comply with the Deficit Reduction Act of 2005, the organization provides to employees, officers, directors, contractors and agents the following information about its policies and certain relevant Federal and State laws. This policy will be amended as necessary to comply with any state and federal regulations promulgated pursuant to the requirements of Section 6032 of the Deficit Reduction Act of 2005 and the state Medicaid and Medicare Plan.

Definitions: This policy applies to all officers, employees, contractors and agents of DON and its affiliated entities (“the organization”). For purposes of this policy and procedure, the following definitions shall apply:

1. The term “officer” shall mean each of the officers dully appointed pursuant to the corporate by-laws of DON and its affiliated entities.
2. The term “employee” shall mean employees, students, trainees, volunteers, officers, contractors and agents.

3. The term “contractor” or “agent” shall mean any contractor, subcontractor, agent or other person which who, on behalf of the organization, furnishes, or otherwise authorizes the furnishing of health care items or services, performs billing or coding functions or is involved in the monitoring of health care provided by the organization.

4. The term “claim” shall mean any request or demand, whether under contract or otherwise, for money or property if the Federal government provides any portion of the money or property in question. This includes requests or demands submitted to a contractor of the Government and includes Medicare and Medicaid claims.

5. The term “False claim” shall mean any claim which is, either whole or in part, false or fraudulent.

6. The term “knowing and knowingly” shall mean that a person with respect to information has actual knowledge of information; acts in deliberate ignorance of the truth or falsity of the information.

7. The term “obligation” shall mean an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or license licensee relationship, from a fee-based or similar relationship, from statute or regulation, or form the retention of any overpayment.
To assist the organization in meeting its legal and ethical obligations, any employee who reasonably suspects or is aware of the preparation or submission of a false claim or report or any other potential fraud, waste or abuse related to a Federally or State funded health care program is required to report such information to his/her supervisor or the organization’s corporate compliance officer. Any employee of the organization who reports such information will have the right and opportunity to do so anonymously and will be protected against retaliation for coming forward with such information both under the organization’s internal compliance policies and procedures and Federal and State law.

However, the organization retains the right to take appropriate action against an employee who has participated in a violation of Federal and State law or organized policy.

The organization commits itself to investigate any suspicions of fraud, waste or abuse swiftly and thoroughly and requires all employees to assist in such investigations. If an employee believes that the organization is not responding to his or her report within a reasonable period of time, the employee shall bring these concerns about the organization’s perceived inaction to the organization’s Executive Director.

Failure to report and disclose or assist in an investigation of fraud and abuse is a breach of the employee’s obligations to the Executive Director and may result in disciplinary action.

This policy and procedures and a summary of the Federal and State laws (as they may be amended from time to time) applicable to this policy and procedures shall be available upon request.
The organization will certify on or before January 1st annually with the Pennsylvania Office of Medical Assistance Programs Bureau of Program Integrity that it complies with the education requirements of the Deficit Reduction Act of 2005 regarding false claims recoveries that:

- It maintains a written policy
- Employee handbook includes materials, required under the mandate and that they have been properly adopted, published and disseminated.

FEDERAL AND PENNSYLVANIA STATUTES RELATING TO FILING FALSE CLAIMS

Below is a summary of the applicable Federal and State laws. For further information, please review the laws in their entirety.

Federal False Claims Act, 31 U.S.C. 3729-3733

The Act establishes liability when any person or entity improperly receives from or avoids payment to the Federal government-tax fraud excepted. In summary, the Act prohibits:

(A) Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

(B) Knowingly makes, uses or causes to be made or used, a false record or statement material to a false or fraudulent claim;

(C) Conspires to commit a violation of subparagraph (A), (B), (D), (E), (F) or (G);

(D) Has Possession, custody or control of property or money used, or to be used, by the Government and
knowingly delivers, or causes to be delivered, less than all of that money or property;

(E) Is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

(F) Knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer of employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property;

(G) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government.

Any individual or entity engaging in any of the seven categories of prohibited actions listed in 31 U.S.C. 3729(a), including the submission of false claims to federally-funded health care programs, shall be liable for a civil penalty which currently is not less than $5,500 and not more than $11,000 per false claim, plus three (3) times the amount of damages sustained by the federal government. The amount of the false claims penalty is to be adjusted periodically for inflation in accordance with a federal formula.

The U.S. Attorney General may bring an action under this law. In addition, the law provides that any “whistleblower” may bring an
action under this act on his own behalf for the United States Government. These actions, which must be filed in U.S. District Court, are known as “qui tam” actions. The Government, after reviewing the complaint and supporting evidence, may decide either to take over the action, or decline to do so, in which case the whistleblower is successful, the whistleblower is entitled to receive a percentage of the recovery. If prosecuted by the Federal Government, these qui tam actions are generally handled by the various U.S. Attorneys’ Offices, or by the U.S. Justice Department.

In sum, the False Claims Act imposes liability on any person who submits a claim to the Federal Government that he or she knows (or should know) is false. An example may be a physician who submits a bill to Medicare for medical services he/she knows he/she has not provided. The False Claims Act also imposes liability on an individual who may knowingly submit a false record in order to obtain payment from the government. An example of this may include a government contractor who submits records that he/she knows, or should know, is false and that indicate compliance with certain contractual or regulatory requirements. The third area of liability includes those instances in which someone may obtain money from the Federal Government, to which he/she may not be entitled, and then uses false statements or records in order to retain the money. An example of this so called “reverse false claim” may include a hospital that obtains interim payments from Medicare throughout the year, and then knowingly files a false cost report at the end of the year in order to avoid making a refund to the Medicare program.

**Whistleblower Protections:**

31 U.S.C. 3730(h) provides that any employee who is subject to retaliation or discrimination by an employer in the terms and
conditions of employment because the employee lawfully sought to take action or assist in taking action under this act “shall be entitled to all relief necessary to make the employee whole”. This includes reinstatement with seniority restored to what it would have been without the retaliation or discrimination, double the amount of pay back, interest on pay back and compensation for any special damages sustained as a result of the employer’s actions, including litigation costs and reasonable attorney’s fees.

**Federal Program Fraud Civil Remedies Act, 31 U.S.C. 3801-3812**

Provides federal administrative remedies for false claims and statements, including those made to federally funded health care programs. Current civil penalties are $5,500 for each false claim or statement, and an assessment in lieu of damages sustained by the federal government of up to double damages for each false claim for which the government makes a payment. The amount of the false claims penalty is to be adjusted periodically for inflation in the accordance with a federal formula.

**PENNSYLVANIA STATUTES TITLE 43. LABOR CHA 25 WHISTLEBLOWER LAW 43 P.S. β 1421-1428 (2008)**

This statute, known as the Whistleblower Law provides protection to employees who make a good faith report (without malice or consideration of personal benefit) of wrongdoing, fraud and waste. The law states that no employer may discharge or discriminate against an employee who makes such a report to the employer or appropriate authority and provides civil remedies for violation of this act by the employer.
The law further provides for penalties against any person acting “under color of an employer’s authority” who has acted in violation of this law be personally liable for a civil fine of not more than $500.00.

**PA CODE: § 1101.75. Provider Prohibited Acts.**

This statute outlines specific prohibited acts of an employer which should be reported according to this policy.

An enrolled provider may not, either directly or indirectly, do any of the following acts:

1. Knowingly or intentionally present for allowance or payment a false or fraudulent claim or cost report for furnishing services or merchandise under MA, knowingly present for allowances or payment a claim or cost report for medically unnecessary services or merchandise under MA, or knowingly submit false information, for the purpose of obtaining greater compensation than that to which the provider is legally entitled for furnishing services or merchandise under MA.

2. Knowingly submit false information to obtain authorization to furnish services or items under MA.

3. Solicit, receive, offer or pay remuneration, including a kickback, bribe or rebate, directly or indirectly, in cash or in kind, from or to a person in connection with furnishing of services or items or referral of a recipient for services and items.
(4) Submit a duplicate claim for services or items for which the provider has already received or claimed reimbursement from a source.

(5) Submit a claim for services or items which were not rendered by the provider or were not rendered to a recipient.

(6) Submit a claim for services or items which includes costs or charges which are not related to the cost of the services or items.

(7) Submit a claim or refer a recipient to another provider by referral, order or prescription, for services, supplies or equipment which are not documented in the record in the prescribed manner and are of little or no benefit to the recipient, are below the accepted medical treatment standards, or are not medically necessary.

(8) Submit a claim which misrepresents the description of the services, supplies or equipment dispensed or provided, the date of service, the identity of the recipient or of the attending, prescribing referring or actual provider.

(9) Submit a claim for a service or item at a fee that is greater than the provider’s charge to the general public.

(10) Except in emergency situations, dispense, render or provide a service or item without a practitioner’s written order and the consent of the recipient or submit
a claim for a service or item which was dispensed or provided without the consent of the recipient.

(11) Except in emergency situations, dispense, render or provide a service or item to a patient claiming to be a recipient without first making a reasonable effort to verify by a current Medical Services Eligibility Card that the patient is an eligible recipient with no other medical resources.

(12) Enter into an agreement, combination or conspiracy to obtain or aid another in obtaining payment from the department for which the provider or other person is not entitled, that is, eligible.

(13) Make a false statement in the application for enrollment or reenrollment in the program.

(14) Commit a prohibited act specified in § 1102.81(a) (relating to prohibited acts of a shared health facility and providers practicing in the shared healthy facility).

(15) A provider or person who commits a prohibited act specified in subsection (a), except paragraph (11), is subject to the penalties specified in § 1101.76, 1101.77 and 1101.83 (relating to criminal penalties; enforcement actions by the department; and restitution and repayment).
PA Code: § 1101.76. Criminal Penalties

Section 1101.76 outlines the applicable criminal penalties for violation of section 1101.75. The penalties include the following:

(1) For the first conviction, the person is guilty of a felony of the third degree and is subject to a maximum penalty of a $15,000 fine and seven (7) years imprisonment for each violation.

(2) When a person has been previously convicted in a state or federal court of conduct that would constitute a violation of § 1101.75(a)(1)-(10) and (12)-(14), a subsequent allegation, indictment or information under § 1101.75(a) shall be classified as a felony of the second degree with a maximum penalty of $25,000 and ten (10) years imprisonment.

(3) In addition to the penalties specified in subsections (a) and (b) and as ordered by the court, the convicted person shall repay the amount of excess benefits or payments received under the program, plus interest on the amount at the maximum legal rate. Interest will be calculated from the date payment was made by the department to the date of full repayment is made to the commonwealth.

(4) As ordered by the court, a convicted person shall pay to the commonwealth an amount not to exceed threefold the amount of excess benefits or payments.
(5) The convicted person is ineligible to participate in the program for five (5) years from the date of the conviction.

**PA CODE: § 1101.77. Enforcement Actions by the Department**

Section 1101.77 outlines the specific enforcement actions that may be taken by the department for violation of the conditions of participation and provider agreement as well as all applicable laws. Violation can result in action by the department including the termination of the provider’s enrollment from all participation in the MA Program whether direct or indirect.

**PA CODE: § 1101.83 Restitution and Repayment**

This section of the law outlines the rights of the department to collect restitution from a provider for any funds billed and received which should not have been paid. It also gives the department the right to take civil action against the provider if they are found to be in violation of § 1101.75(a) mentioned above.