

Life. Defined by you.

INCLUSA

Self- Directed Supports Guidebook

Table of Contents

Your Life, Your Future, Your Choice	4
Guiding Principles of Community®.....	4
Community Connections	4
Self-Determination	4
Community Living.....	5
Integrated Employment.....	5
Mobility.....	5
Role of Guardian and Activated Power of Attorney in Self-Directed Supports	6
Your Member Centered Plan.....	7
Why Self-Direct?	8
What Type of Supports Can You Self-Direct?	8
Supports That Cannot be Self-Directed.....	8
Next Step	9
You as the Employer	9
What is a Fiscal Agent?.....	10
If You Don't Want to be the Employer	10
If That's Still Too Much.....	10
More About Criminal Background Checks.....	11
Hiring Family or Friends	12
Back to the Budget - What Does "SDS Budget" Mean?	13
What is Paid From the SDS Budget?	13
Your Budget Responsibilities.....	13
More About Time Sheets.....	14
Wage and Hour Rules	14
More About Unemployment Insurance (UI)	15
More About Workers' Compensation Insurance	15
If Your Employee is Injured	15

Training Your Staff	16
Supervising Your Staff.....	17
Firing Your Employee.....	17
Finding New Employees.....	18
Interviews	18
Can a Support Broker Help?	19
If Your Employee Needs Income Verification	19
Ending SDS.....	19
Employer Authority and Responsibility vs. Includa Team Role	20
Employment Resources	21
Self-Directed Supports Resources	22
Setting/Adjusting Wages for SDS Workers.....	23
SDS Employee Fact Sheet #1 - Unemployment & Workers' Compensation Insurance & Income Verification.....	25
Unemployment Benefits	25
Workers' Compensation Insurance Coverage.....	25
Income Verification	25
SDS Employee Fact Sheet #2 - CNA Renewal Information.....	26
SDS Employee Fact Sheet #3 - Absence and Back-Up Plan	27
SDS Employee Fact Sheet #4 - Recordkeeping and Contact Information.....	28
SDS Employee Fact Sheet #5 - Emergencies – Recognizing and Responding.....	29
SDS Employee Fact Sheet #6 - Member Rights.....	31
SDS Employee Fact Sheet #7 - Confidentiality and HIPAA.....	32
SDS Employee Fact Sheet #8 - Universal Precautions	33
SDS Employee Fact Sheet #9 - Abuse and Neglect.....	34
SDS Employee Fact Sheet #10 - Interpersonal Skills	35

Your Life, Your Future, Your Choice

Inclusa offers all members the chance to arrange, direct, and/or purchase supports and services through an option called **Self-Directed Supports (SDS)**.

The SDS option is a way that you can meet your long-term care outcomes (goals) by having more control over your authorized services, costs, and supports. With SDS, you can choose how much you want to be in charge. For example, if paid supports are needed, some people like the idea of hiring their own workers. Others might not want to be the employer, but like the idea of deciding who will help them with certain tasks.

This guidebook explains the different ways you might use Self-Direction to meet one or more of your goals. It also explains some of the basic rules of the program so you can make the best choice for your situation.

Community[®]

Community[®] is our trademarked model of managed care that places emphasis on the importance of what it means to be an active participant in everyday life. Community[®] is the belief in the strengths of everyone and the commitment to support the common good for all. In everyday practice, Community[®] explores the importance of full citizenship by supporting the development of meaningful connections between members and their communities through five component areas:



Community Connections

The whole is greater than the sum of its parts.

Community[®] is built from the belief that everyone deserves the right to contribute to community and actively participate in full citizenship. **Community connections** foster unity in the common good for all where everyone can consider: *How can I be part of the whole?*

Self-Determination

**You can do anything you want to do.
You can be anything you want to be.**

Community[®] is built from the belief that everyone deserves the right to control his/her life and actively participate in full citizenship. A **Self-Determined** life fosters unity in the common good for all where everyone can consider: *I can do anything I want to. I can be anything I want to be.*

Community Living

Home is where the heart is.

Commonunity® is built from the belief that everyone deserves the right to embrace the ideals of home and actively participate in full citizenship. **Community living** fosters unity in the common good for all where everyone can consider: *Home is where my heart is.*

Integrated Employment

What do I want to be?

Commonunity® is built from the belief that everyone deserves the right to pursue employment opportunities and actively participate in full citizenship. **Employment** fosters unity in the common good for all where everyone can consider: *What do I want to be?*

Mobility

Take the road less traveled.

Commonunity® is built from the belief that everyone deserves the right to access his/her community and actively participate as a full citizen. **Mobility** fosters unity in the common good for all where everyone can consider: *Which road do I want to travel?*

Role of Guardian and Activated Power of Attorney in Self-Directed Supports

Although this guidebook is specifically written for Inlusa members, it applies to legal decision makers (guardian or activated Power of Attorney [POA]). People who are under guardianship or have an activated POA can still participate in Self-Directed Supports!

When the court appoints a guardian, that person must be willing and able to fulfill the duties required by law. These duties include:

- Using the same care, thoughtfulness, and good faith when acting on behalf of the person that an ordinary and practical person would use in his or her own life, and
- Always being trustworthy and loyal to the person they are guardian for.

The legal decision maker should always:

- Consider the wishes, needs, and rights of the member, and
- Assure the member's health, safety, and well-being.

The legal decision maker isn't "taking over" for the member, but is in a legal partnership with the member. To the greatest extent possible, the member should *be included* in decisions that relate to her/his care and daily life.

The same is true for activated POAs. A Power of Attorney is chosen to carry out the wishes of the individual when he/she is no longer able to do so.

As it relates to SDS, *being included* could mean:

- (1) helping draft interview questions when looking for new workers;
- (2) being part of the interview team;
- (3) providing input when staff are being evaluated;
- (4) participating in monthly house meetings where issues and ideas are discussed.

Your Member Centered Plan



When you enroll in Inclusa you work with a Care Management Team that includes a Care Manager (referred to as your Community Resource Coordinator) and Nurse (referred to as your Health & Wellness Coordinator). They help you identify your strengths, goals, and any supports that might be needed. This is part of the Member Centered Planning process.

Inclusa will support your independence. If you do need assistance in some areas, your team will explore who is or could be helping you as a natural support (unpaid) and what community resources might be available to help you.

Paid supports are considered if natural and/or community supports are unavailable or unable to meet your long-term care needs.

First completed within 60 days of enrollment, your Plan is formally reviewed every 6 months. When a Plan is first developed, and during the formal review process, your team will talk about **Self-Directed Supports** as an option if paid supports are needed.

You can decide to Self-Direct your supports at any time. You don't have to wait for the formal Plan review. Just contact your team to discuss which Self-Directed Supports option would be best for you. Also, you can have others assist you in your employer role. You don't have to "do it all" on your own.

Why Self-Direct?

There are many reasons why you might decide to Self-Direct your authorized supports. For example:

- You want more control over your supports.
- You need more flexibility in scheduling the supports.
- You have strong preferences for who provides your supports or how your supports are provided.
- There is a need for more creative use of supports due to limited providers or community resources.
- There are challenging issues that a traditional agency is unable or unwilling to work through.
- Other unique situations.

What Type of Supports Can You Self-Direct?



It is most common for people to Self-Direct their authorized personal care and/or supportive home care (housekeeping type) services. Some people have hired their own worker(s) to help them learn daily living skills or to provide job coaching. If you are interested in Self-Directing a specific service or support, ask your Care Manager (Community Resource Coordinator) about it. Even if it hasn't been done before, that doesn't necessarily mean it *couldn't* be done.

Supports That Cannot be Self-Directed

The Wisconsin Department of Health Services does limit Self-Direction in two areas:

1. **Residential Services:** If you are living in a residential setting (not a private home or apartment), you can't Self-Direct the services that the residential agency is being paid to do for you. For example, if the agency is paid to provide you with meals, you could not Self-Direct meal preparation.
2. **Case Management:** This service can't be self-directed because Care Management is a core service in Family Care. Care Managers need to know many rules and guidelines that someone outside of the agency wouldn't know. However, you do have a right to request a different Team, if you have concerns that can't be resolved with your current Team and their supervisor.

There might be other services that cannot be Self-Directed. If in doubt, ask your Care Management Team. If they aren't sure they will check with the Self Determination/Self-Directed Support Team and let you know.

Next Step

You and your Care Management Team have agreed on what is needed to help you meet your goals/outcomes. You have decided you want to Self-Direct some of your authorized supports. What is the next step? What are your choices?

- 1) Purchasing services or staff from a provider agency (**Fiscal Conduit**).
- 2) Recommending staff to be hired through a **co-employment or leasing agency**.
- 3) Managed staff through an **Agency With Choice** (AWC) provider]
- 4) Employing staff using a **Fiscal/Employer Agent** (F/EA) provider.



The above diagram shows the different levels of control and responsibility you can choose from when you decide to Self-Direct. Each is described in more detail below.

You as the Employer

Under Self-Direction, you have the most responsibility and control if you are the actual employer. As an employer, you will:

1. Choose a Fiscal Agent to process your paperwork and ongoing payroll.
2. Complete forms needed to become an Employer in Wisconsin.
3. Find, screen, and hire your worker(s).
4. Set workers' rate of pay – Staying within your budget and following wage and hour laws.
5. Choose which authorized tasks will be given to your workers to complete.
6. Train your workers – this includes providing general information and how to provide supports that are specific to you.
7. Set worker schedules to make sure your needs are met.
8. Review and sign your employee time sheets and submit them to the FiscalAgent.
9. Make sure your employees are following your rules and take action when needed (this could mean giving a warning or suspending them from work for a time).
10. Ending the employment relationship when needed (firing the person).

What is a Fiscal Agent?

Sometimes called Fiscal Intermediaries (FI), Fiscal Employer Agent (FEA) or Financial Management Services (FMS), these agencies provide payroll related services for members who directly employ their workers.

You are the employer. Some paperwork is needed to set you up as the Employer. You will be assigned an Employer Identification Number (EIN). The agency uses that number for reporting payroll related taxes. (Note: Becoming an employer does NOT impact your personal income for tax purposes.)

Your employees also complete paperwork to become your employees. These forms are **legal documents** and need to be complete and accurate before services can begin. Be sure that your employee uses their official/legal name (no nick names) as shown on their Social Security card. If you or your employee has questions about any of these forms, we recommend contacting the Fiscal Agent. They are familiar with the forms and have staff who can help.

The Fiscal Agent conducts *background checks* on the people you want to hire. This is required by law. (More on criminal background checks on page 11.) The Fiscal Agent also sets up a *workers' compensation insurance policy* in your name (because you are the employer) as a protection in case your worker is injured while on the job.

Once everything is set up, the Fiscal Agent will process payroll for your employees on your behalf, based on the time sheets that are submitted. If an employee requires proof of income, the Fiscal Agent can complete the required forms.

If You Don't Want to be the Employer – Agency with Choice

If you don't want to be the actual employer of record for your staff, you can work with an SDS agency that has agreed to be the Employer but leaves most of the day-to-day decisions up to you. This is referred to as an *Agency with Choice*. Under Agency with Choice, you wouldn't be the employer of record, but you would still be responsible for choosing, training, supervising and scheduling the staff. You would also review and sign the employee's time sheets. This is often referred to as being the “**managing employer.**”

In this model the employees are covered under the agency's general workers' comp. policy, as well as the agency's professional liability insurance. The agency would also complete requests for proof of income for the staff.

If That's Still Too Much – Co-Employment

Sometimes a person isn't interested in or able to be directly involved in the day-to-day details of employment. Maybe you just want to know and trust the person who will be providing you with support. This can be set up by using a *Co-employment Agency*. In this option the agency is more involved in the scheduling and supervising of the staff.

If you choose Co-employment, you would refer your preferred worker to the agency to be hired by them. You would also recommend a wage (within your budget). Once the worker completes the application process (including passing a criminal/caregiver background check) he/she can work with you.

Fiscal Conduit

This model is used to pay for an agency service. For example, if you want to use a snow removal business that doesn't want to contract directly with Inlusa, this is a way to pay the business so you can receive the service from the agency of your choice. When payment is made directly to an agency there are no additional wage related charges (taxes, Worker's Compensation, Unemployment Insurance).

More About Criminal Background Checks



When you choose Self-Direction, you have a lot of flexibility about who you can hire as an employee. However, Wisconsin law requires that *caregiver and criminal background checks* be conducted on any suggested employee. The SDS Agency you have selected will run the background checks. The report results are sent to your Community Resource Coordinator, who will review the results with you.

What if the report shows arrests and convictions? Can the person still be hired?
Answer: It depends on several factors, including:

- What the conviction was for (based on statute number);
- The length of time since the conviction; and
- Whether or not the conviction is “substantially related” to the job.

Only convictions (not charges) can be considered by law. There are some crimes that do prohibit hire (such as a conviction of murder, assisted suicide, or abuse of patients/residents), but most are evaluated based on how the circumstances of the conviction might relate to your particular support need.

It is also important to note that labor laws clearly state employers cannot discriminate against a person based on their criminal history, **if** the crimes are **not** substantially related to the job.

Example: John recruited for workers and found a person who seemed to be a good fit. When the background check results came in, John noticed that the person had a few convictions for writing bad checks about 20 years ago. Because the person would NOT be helping John with financial matters, the convictions are not substantially related and John hired the person.

Hiring Family or Friends

Inclusa works *in partnership* with you and your current supports. Ongoing, informal support is welcomed and encouraged. To make sure your plan has everything needed, and is cost-effective, your Team will ask you about your natural and community supports.

Sometimes it makes sense to pay your informal caregiver. Your team can help you:

- Identify which tasks would be considered “over and above” what a family member or friend would provide as part of their natural relationship. (For example, families typically make meals together, so that wouldn’t be a paid service, but giving a person a bath might be paid. House cleaning is typically shared among household members so others in the home are expected to do their share without payment.);
- Ensure the caregiver meets the necessary qualifications;
- Consider the relationship dynamics – for example, if people don’t get along very well they probably won’t do well in an employment situation;
- Determine if there’s a likelihood of caregiver burnout; and
- Re-assess as your situation changes.

Many people hire family members and friends. However, sometimes being in an employment relationship ends up putting a strain on the family or friendship (even if there weren’t issues before), so it is a good idea to discuss this with those you would like to hire before moving forward.

Back to the Budget - What Does “SDS Budget” Mean?

Each person who decides to Self Direct their supports has an *individual budget* developed based on the authorized supports/services approved in their Member Centered Plan. Everyone’s budget is different, based on the type and amount of service that Includa would pay IF the person were using a traditional contracted agency instead of SDS.

What is Paid From the SDS Budget?

There are certain costs that are paid from the Self-Directed Budget:



- The worker’s wages
- Payroll-related taxes - includes state and federal unemployment insurance and the employer portion of Social Security;
- Worker’s compensation insurance premium (annual); and
- Financial management fees - paid to the SDS Agency for their services. (Each agency has its own monthly fee and uses its own wage rate to cover the payroll related taxes.)

Your Budget Responsibilities

When you use Self-Directed Supports you are responsible to stay within your budget. This means you agree to use only the amount of services that are authorized. It is up to you to keep track of your employees’ hours to make sure they are NOT working more hours than authorized. **This is very important because if you are unable to stay within the authorized budget you could lose the ability to Self-Direct.**

It can be helpful to write both the planned schedule *and* the actual hours worked on a calendar. That way you can stay within your budget and verify the dates and times your employee(s) put on their time sheets.

If you feel that additional support is required, *contact your Team* so the authorization can be reviewed.
Do NOT just ask your employee(s) to work additional hours. Doing so could result in limiting your ability to use SDS.

More About Time Sheets

Time sheets must be signed by both you and your employee (*after* the work has been done) and sent to your chosen SDS Agency per their payroll schedule. Pay periods are either bi-monthly (1st-15th and 16th to the end of the month) or bi-weekly (every two weeks). In most cases, payment is made by check or direct deposit. One agency uses a Debit Card system.

Time sheets are *legal documents*. They must be accurate and complete or the SDS Agency will send them back for corrections. Payment will be delayed until the error is corrected. Please make sure that time sheets are turned in right away. This helps monitor your budget expenses.

It is important to know that if you are *hospitalized* or *in a nursing facility*, Self-Directed Supports is put ON HOLD. Medicaid rules prohibit Includa from paying for Community/Home based services when you are in a hospital or nursing home. If your caregiver would have to find other employment while you are unavailable, *some payments could* be authorized to help retain your worker. Please contact your Team for more information if you have questions.

NEVER sign a time sheet listing services that were not provided, or were provided by someone other than the employee. This is fraud and can result in ending your SDS. Additional criminal action could be taken.

Wage and Hour Laws



There are many state and federal rules in place to protect employees from unfair practices. Action could be taken against you as the employer for failing to follow the law. The most common rules we need to follow are:

Employees must be paid at least minimum wage for the time they work or are otherwise “on duty.” As of 2020, minimum wage is still \$7.25/hr.

In rare cases, if more than 80% of the services your employee is providing is companionship and not “hands on care,” it might meet the minimum wage exemption. Please contact your team for more details.

If employees work more than 40 hours in a given week, then Overtime must be paid. Overtime pay is generally calculated as 1.5 times the person’s regular wage.

The only time Overtime is not required is if the employer and employee live in the same household. The actual hours worked still must be paid, but at regular pay rate.

At Includa, we strongly discourage Overtime. Not only does it cost more, but it could also contribute to caregiver burnout. If you need help finding new employees, see page 18.

[More About Unemployment Insurance \(UI\)](#)

A percentage of your workers' payroll is paid to the state and federal UI departments. The Fiscal Agent makes sure an account is set up in your name (using your Employer Identification Number) and they make payments to that account on a quarterly basis.

You are exempt from paying into these accounts *only* if your employee is a close family member, such as a spouse, parent, or child. That's because unemployment insurance is NOT available to employees who are close family members. The Fiscal Agency obtains this information when your employee is completing new hire paperwork.

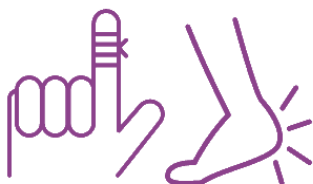
The Unemployment Insurance Division of the Department of Workforce Development (DWD) has application forms that your employee would need to complete to be considered for UI payments. UI payments are based on several factors, so it would be best for the employee to contact the UI office directly for specific information.

[More About Workers' Compensation Insurance](#)

As mentioned earlier, if you are using a Fiscal Agent, that agency will get a Workers' Compensation insurance policy set up for you. The policy is taken out in your name (because you are the employer) and it provides coverage for all your active employees.

If you are using either the Agency with Choice or Co-employment option, the agency's workers' compensation policy automatically covers your employees in the event of an injury or illness while on the job.

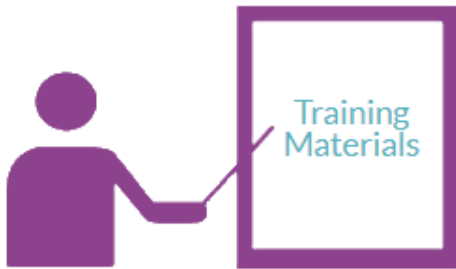
[If Your Employee is Injured](#)



If your employee is injured while working for you, he or she needs to contact the SDS Fiscal Agency *right away*. Agency staff will fill out an initial report and contact the Workers' Compensation Insurance Company on behalf of your employee. After that, someone from the insurance company will contact your worker for more information. You will also be asked to tell what happened. The insurance company needs all necessary information before they can determine what expenses, if any, they can pay for.

Depending on the injury, you might need someone else to fill in until the worker is healthy enough to work again. (Remember, the fill in worker would also have to complete the new employee paperwork prior to beginning services in order to be paid.) You could also request a statement from the doctor indicating when it's safe for the injured employee to resume the job, if you are concerned about their ability to do the job.

Training Your Staff



You have hired your staff and are now responsible to train and supervise them. Where to begin?

The Department of Health Services (DHS) requires that employees receive a certain amount of general training. At the end of this guidebook, you will find a number of SDS Employee Fact Sheets that you can review with your employee(s). These meet the basic

requirements of DHS by providing general health and safety information as well as information about your rights as a member of Inclusa.

More specific training might also be needed. For example, if you have diabetes, your employees need to know the signs of hypo- and hyper- glycaemia (low or high blood sugar) and how to respond if it occurs. If you use a mechanical lift for transfers, your personal care worker needs to know how to safely use that device.

Inclusa knows that not everybody has the tools or skills to train their staff. Your Team will work with you to make sure your staff are trained to safely and effectively provide your care. For example, you and your Team might decide to use a Physical Therapist to show how to safely transfer you from bed to your wheelchair. Nurses at the Wound Clinic might teach your caregiver how to safely care for your wound. Or it could be more basic, like finding simple and healthy recipes for your meals.

Once all the training has been completed, you and your employee sign off on the Orientation/Training Checklist. The completed checklist must be sent to the SDS Fiscal Agency to keep in your file. **Only after the checklist has been completed and turned in will the employee be able to work** (if they will be doing personal cares) **or be paid** (if they will be doing household tasks).

Supervising Your Staff

Open communication is key to having a good working relationship with your employee(s).

1. It is up to you to explain how you want your employee to help you. The more specific you can be, the better. Your worker(s) need to know what you expect. Be patient and respectful when corrections are needed.
2. It is important to be reasonable in what you ask your workers to do. For example, washing the kitchen floor with a toothbrush is NOT reasonable – washing the floor with a mop IS reasonable.
3. You also need to be aware of possible employee health and safety concerns. **Employers have a duty to keep their employees safe while on the job.** For example, if you need a mechanical lift for transfers but you tell your worker to assist you without using the lift, both you and your employee are at risk of injury. In fact, if your employee is injured due to unsafe practices, they *could be denied* workers' comp. coverage that would otherwise help pay for medical related costs.

We all like to know when we are doing a good job, so don't be afraid to give your employees positive feedback. On the other hand, if your employee is **not** performing in the way you expect, it is important for you to let him/her know that, too. A sample **SDS Employee Evaluation Form** is included at the end of this guidebook. You can use this form (or make your own) to write down what you like and don't like about your employees' work.

When having conversations with your employee, try to find out what the real issues are. If the employee needs more training, you and your Team can make sure that training is provided. If the employee is often late, is that because he or she needs to change the schedule? Maybe the person just needs to know that being on time is important to you. Give employees a chance to make the changes and improve their work.

If your employee doesn't make the changes you request, you have a right to take disciplinary action to improve performance. Disciplinary action could be a verbal warning, a written warning, or even a suspension. If things still don't improve, you may need to end the employment.

Firing Your Employee

Firing an employee can be very difficult. It might be helpful for you to first practice what you will say with someone you trust. You might want to write down the key points you want to make. Try to be calm and respectful throughout the conversation. People don't like being fired, but if you are clear about what wasn't working, you have done your job as the employer.

Remember, you have a right to fire someone who you are not happy with. You also have a responsibility to make sure your services are being completed as authorized by your Team. Even if you like the person, if he or she is not doing the job, and you have tried to correct the work, he/she should NOT continue as your employee.

Finding New Employees

Sometimes people are interested in Self Direction but they don't have anyone in mind to hire. Maybe the person who had been working for them is no longer able to, so someone else must be found. There are many ways someone could locate potential employees, including:

- Ask friends, family, or neighbors for their suggestions
- Put an advertisement in the local newspaper
- Put a notice in church or other organizational newsletters
- Post notices in local businesses (such as laundromats or grocery stores)
- Use social media such as Craig's list
- Use the Job Center website: **JobCenterOfWisconsin.com**

It's a good idea to be prepared with standard information and questions for people who ask about the job. It is easy to forget things when you are having a conversation with someone, so writing things down will help you explain all the information you need.

By screening people out early on in the process you can focus your time on people who are really interested and are likely to work well with you. The next step would be meeting each other in person. Rather than have a stranger meet you in your home, you might want to meet in a neutral or public place (such as a library or restaurant).

Interviews



When you interview a possible employee, you can have someone with you for support if you choose. Interview questions should be directly related to the work required. Some examples of good questions to ask include:

- Why are you interested in this job?
- What experience have you had as a caregiver?
- Have you ever worked with someone with my type of needs?
- Do you have reliable transportation?
- What trainings have you had that will help you on this job?
- What times are you available to work?
- How would you handle an emergency situation?

You can also ask for personal and/or professional references so you get feedback from others who already know or have worked with the person.

It is important to know that there are some questions that an employer **cannot legally** ask. For example, you can't ask about someone's:

- religion
- politics
- nationality
- marital status
- family make up (like whether or not they have children)

Can a Support Broker Help?

A Support Broker is someone who can help you plan and direct your Self-Directed Supports. A Broker might assist you in:

- Finding staff to work with you;
- Arranging staff's day-to-day schedules to remain within the agreed upon number of hours and to ensure your health and safety;
- Helping to resolve conflicts and misunderstandings between you and your employee;
- Interviewing new staff;
- Reviewing and verifying time sheets; and
- Other employment related tasks.

Contact your Team if you would like more information about hiring a Support Broker.

If Your Employee Needs Income Verification

Sometimes a worker needs forms filled out that shows how much money they are making by working for you. On those forms, you should be listed as the Employer if you are the employer of record. If you are using a Co-employment agency, the worker should list that agency as the employer.

The form itself should be completed by the SDS Fiscal Agency that does the payroll (since they know the exact amount that's been paid during specific time periods). To do that, the form must be mailed or faxed to your Fiscal Agency to complete.

Please make sure your worker does NOT send an income verification form to Inclusa. Inclusa is NOT the employer and is NOT able to complete the form.

Ending SDS

There are a number of reasons why a person might end Self-Directed services. For example:

- You are now able to complete the tasks on your own or with unpaid supports;
- Your needs increase and you are admitted to a nursing or other residential facility;
- You no longer want the responsibility of Self-Directing your care and prefer to use a traditional provider agency;

In rare situations, Inclusa may need to limit a person's ability to use Self-Directed supports. Reasons might include:

- Your health and safety, or the health and safety of another person, is threatened.
- You were unable to stay within your established plan and budget.
- Funds intended for care were used for illegal purposes (this includes submitting fraudulent time sheets).
- Conflicting interests of another person was given more importance than your needs and best interest. (For example, an employee wants more hours so claims it takes longer than it really does to get the work done.)

Employer Authority and Responsibility vs. Inclusa Team Role

Your Inclusa Team is responsible to provide you with basic information and assistance relating to your Self-Directed supports plan. However, your team can NOT act as a co-employer.

Inclusa Teams can:

- ✓ • Ask about and help coordinate employee training.
- ✓ • Ask about your employee's performance (to assure your health and safety).
- ✓ • Ask about time sheets and payments (to assure that only authorized supports are paid from your budget).
- ✓ • Ask to observe the care/service provided (to assure your health and safety).
- ✓ • Restrict your ability to self-direct if you are unable to follow the rules (generally, after a number of attempts to correct the issue.)

Inclusa Teams cannot:

- ⊘ • Hire or fire your employees.
- ⊘ • Discipline your employees.

Inclusa cannot pay for services that weren't authorized. It is important that you don't ask your employee(s) to complete work that your Team hasn't authorized. The payroll agency will not pay for that time, but as the employer **you would still be responsible** to pay your employee for those hours worked.

Please let your Team know if you have questions or concerns. There are many resources that may be helpful as you Self-Direct your supports. On the following page, you will find a few resources on employer-related topics. There is also a list of resources to learn more about Self Determination and Self Direction.

Wisconsin Employment Resources

Fair Employment Law

Department of Workforce Development (DWD)
Web Site <http://dwd.wisconsin.gov/er/>
Madison area (608)266-6860
Madison TTY (608)264-8752

Unemployment Insurance

Department of Workforce Development (DWD)
Web Site <http://dwd.wisconsin.gov/ui>
Toll-free 1-800-247-1744

Workers' Compensation Insurance

Department of Workforce Development (DWD)
Web Site <http://dwd.wisconsin.gov/wc/>

National Employment Resources

U.S. Department of Labor

www.dol.gov

Wage and Hour Division (WHD)
Web Site www.dol.gov/agencies/whd

Occupational Safety and Health Administration (OSHA)
Web Site www.osha.gov

Office of Workers' Compensation Programs (OWCP)
Web Site www.dol.gov/owcp

Self-Determination Resources – Wisconsin Based

Wisconsin Board for People with Developmental Disabilities

Web Site <http://www.wi-bpdd.org>

inControl Wisconsin

Web Site <http://www.incontrolwi.org>

People First Wisconsin

Web site <https://www.peoplefirstwisconsin.org>

National Self-Determination Resources

National Disability Rights Network

Web Site <http://napas.org>

Self-Advocates Becoming Empowered (SABE)

Web Site <http://www.sabeusa.org>

National Gateway to Self-Determination

Web Site <http://www.ngsd.org>

Setting/Adjusting Wages for SDS Workers

“What’s a reasonable wage?”

In Self-Directed Supports the member, as employer, sets the worker’s wage, *within budget limits*. Generally, the smaller the budget, the lower the possible wage range.

Although it is common for employers to pay employees a lower wage at time of hire to allow for periodic wage increases, this is not a requirement in SDS. If a member decides to pay a higher wage, (resulting in spending being close to the maximum allowed in their SDS Budget) the team can counsel the member that problems could occur if/when authorized hours are reduced (based on member need) and the wage no longer fits in the member’s budget.

Some factors that members can consider when determining a wage include:

- What type of work/support will the person be doing?
- How much would the person receive if hired through an agency?
- How much training and/or experience does the person have as it relates to the job?
- Currently our fiscal agents do not offer health/dental insurance or holiday/sick/vacation pay. *Benefit packages are limited for agencies in this type of work.*

You can review typical wage rates by accessing: <http://worknet.wisconsin.gov>).

Note: The Federal Minimum Wage Rate effective July 1, 2009 is \$7.25 per hour.

EVALUATION FOR SELF-DIRECTED SUPPORTS EMPLOYEES (Sample)

EMPLOYER: _____

DATE: _____

EMPLOYEE: _____

Length of time on the job: _____

1. Ability to do the job:
2. Willingness to do the job:
3. Keeps personal Employer information private:
4. General attitude while at work:
5. Comes to work when scheduled and on time:
6. "I really like that you..."
7. "I need you to work on..."
8. Other comments:

Employee Comments:

Signature of Employee

Date

Signature of Employer

Date

SDS Employee Fact Sheet #1- Unemployment & Workers' Compensation Insurance & Income Verification

Unemployment Benefits

SDS Employees are generally eligible for Unemployment benefits (if they qualify) because the Fiscal Agency chosen by the Member/Employer pays the required premiums. There MAY be circumstances where the employee would not qualify. For example, if the employee is terminated for good cause or quits employment. There are also some limitations based on the relationship between the employer and employee. For example, if the employee is the employer's parent, spouse, or adult child under the age of 21, unemployment premiums are NOT paid and benefits are not available.

NOTE: Unemployment documents should NEVER be sent to Inclusa because Inclusa is not the employer. If the member is using a Fiscal Agent, then the member is the employer and should be listed as such. For the address, use the Fiscal Agent's address, since they have the information needed to complete the Unemployment Insurance (UI) documents. If the member is using Co-Employment or Agency with Choice, the UI documents should be sent to that Agency.

Workers' Compensation Insurance Coverage

All SDS Employees are covered under Workers' Compensation Insurance.

The Fiscal Agent or Co-employment Agency should be notified right away if the employee is injured while on the job. The insurance agency will obtain the information necessary to verify that the injury occurred and what, if any, compensation is needed.

Income Verification

There are a few reasons why an SDS employee may need income verification. The Fiscal Agent that processes the payroll has the information needed to accurately complete income verification forms. Therefore, any income verification form should be sent to the Fiscal Agent (or Co-employment Agency, if a Co-employment Agency is used). Inclusa staff do NOT have the information to complete the forms.

SDS Employee Fact Sheet #2- CNA Renewal Information

Certified Nursing Assistants (CNA) need a certain number of supervised hours in order to fulfill requirements for re-certification. The person providing the supervision signs off on the **Nurse Aide Registry Renewal** form.

Unfortunately, SDS employment **does not meet** the qualifications for this renewal for 2 reasons:

1. Inclusa is not a direct health care employer under the Wisconsin Nurse Aide Program. Inclusa provides authorizations, referrals, and funding for services but does not provide direct patient care. Examples of a direct health care employer would be nursing homes, hospitals, and home health care agencies.
2. Inclusa has Registered Nurses (RN) on staff but they do NOT provide direct supervision of the SDS employees. They provide assessments, education, and service coordination, and they monitor the care that members are receiving; this is not the same as providing direct supervision.

Inclusa recognizes the value of CNA training and certification. In order to maintain certification, it is recommended that the individual maintain at least minimal employment with a direct health care employer (see #1) so they can meet the supervision requirements for renewal.

SDS Employee Fact Sheet #3- Absence and Back-Up Plan

SDS Employees and Direct Support Professional are hired to provide day-to-day support that the person is unable to do for themselves.

Providing care for someone is a very important job. A Direct Support Professional must be trustworthy and dependable.

If the employee is unable to work at the scheduled time, he/she must let the person know as soon as possible. Depending on the support need, a previously determined back up plan will be used – under no circumstances should the person be left without resources (especially if it means the person is left in bed or unable to obtain meals/nutrition).

If the support is something that can be rescheduled (cleaning, for example), it is acceptable to do so.

SDS Employer: _____

Phone: _____

Other instructions (if any):

SDS Employee Fact Sheet #4- Record keeping and Contact Information

SDS Employees are required to keep track of the hours they work so they can accurately fill in their time sheets. Employees might also be asked to record specific tasks they have completed in a notebook or binder.

It is the employee's responsibility to notify the SDS Agency of any *name change* or *change of address*. Even if you quit your employment, the SDS Agency needs your current address to mail your W-2 at the end of the year.

SDS Employer: _____

Phone: _____

Alternate Contact: _____

Phone: _____

SDS Agency: _____

Contact: _____

Phone: _____

Address: _____

SDS Employee Fact Sheet #5- Emergencies— Recognizing and Responding

Where are the Emergency phone numbers listed?

Be aware of situations that might put people in danger.

Make sure equipment is in good working order and that caregivers/employees have been instructed how to properly use the equipment.

Fires – most often caused by cigarettes, electrical wiring problems, or problems with the heating system. Inattentive meal preparation could also result in kitchen fires. Prevention strategies include:

Stay alert

Be aware of all exits

Keep exits and pathways clear of clutter and debris

Discuss and develop a fire evacuation plan

Practice the above plan

Check smoke detectors and replace batteries as needed.

If there is Oxygen in the home – NEVER should there be smoking in the same room where oxygen tanks or compressors are located.

If there is a fire –

Remain calm.

Remove vulnerable people from the area.

If the fire is small and localized, use a fire extinguisher if one is available.

Call 911 – Use the exact address of the fire.

Do not re-enter the home.

Stay with the vulnerable individuals until the fire is extinguished.

Report the incident immediately to the person's Care Team.

Severe Weather

Stay alert

Remain calm

Go indoors

Move to the lowest level of the home or building, away from windows or doors to the outside (except in cases of flooding).

Have battery operated devices on hand such as flashlights and radios.

Listen to the radio or news for weather updates.

Have a supplies kit on hand with necessities such as, but not limited to:

- First aid kit
- Needed regular medications
- Spare batteries
- Drinkable water
- Nonperishable food items

EMERGENCY NUMBERS

Primary Doctor: _____

Phone: _____

Hospital: _____

Phone: _____

Other: _____

Phone: _____

SDS Employee Fact Sheet #6- Member Rights

Inclusa is strongly committed to ensuring the rights of all its members, regardless of their ability or legal status. These rights include:

- To be treated with dignity and respect
- To develop and exercise their full capacities
- To be free from abuse and neglect
- To communicate their needs, interests, likes, dislikes, and preferences with others, either directly or indirectly, without fear
- To choose and live a personal lifestyle, including where and how they live, work, and play
- To develop and maintain relationships with others of their choosing
- To participate in their community as contributing citizens
- To take risks, make mistakes, and utilize these as opportunities to learn
- To be informed of their options and supported when making choices
- To assume responsibility for their choices
- To choose their own supports and direct how the supports are provided
- To have individuals of their choosing involved in support plans, reviews, and changes
- To privacy and consideration when supports are being provided, whether in the home, workplace, or community
- To have conversations and records kept confidential, including deciding with whom the information is shared
- To refuse to be filmed or videotaped
- To receive reasonable wages for work performed
- To know, understand, and have support in using grievance procedures
- To choose treatment providers
- To prompt and thorough response when issues of personal health, safety, and possible rights violations occur

SDS Employee Fact Sheet #7- Confidentiality and HIPAA

Wisconsin Law (S. 51.30) and Federal HIPAA* Privacy Rules are very clear – at no time may any protected health information be shared with anyone without prior consent of the client or his/her legal decision-maker.

SDS employees must honor the confidentiality of their clients/employers. *Never* discuss member-specific information in a public place. *Never* engage in social conversations about the person or their family, their health/medical history, status, or habits.

Any written person specific information received must be kept in a safe place and should not be available to anyone else.

The best response if someone asks a question related to a member's personal information: *"I am sorry, I can't share any specific information due to confidentiality laws. I am sure you can understand..."*

Exceptions to the Rule:

- Health care professionals may share a person's medical information, but only among themselves and only as much as is necessary to provide medical care;
- Discussing a person's progress and supports with the agency that provides funding – to ensure the right supports are provided and to maintain program integrity.
- Reporting suspected abuse or neglect.

Breaking confidentiality is serious and can result in legal action, including fines and termination of employment.

*HIPAA is the Health Insurance Portability and Accountability Act, also known as the Privacy Rule.

SDS Employee Fact Sheet #8- Universal Precautions

Universal Precautions are a standard set of actions to be used whenever a person is likely to come in contact with the blood or other body fluid of another person. It is important to treat ALL contact with blood and other body fluids as if the material were infected because we don't know if someone might have an infection or disease that is contagious.

Protection includes:

1. Wear disposable gloves when coming into contact with body fluids;
2. Wear gloves while providing care if you have open cuts or chapped skin;
3. Wash hands for at least 30 seconds after contact with blood/body fluid.

When cleaning blood/fluid soiled surfaces:

1. Use disposable material like paper towels to clean surfaces;
2. Discard soiled material in a sealed plastic bag, or double paper bags, and dispose in a covered garbage container;
3. Immediately disinfect with a fresh solution of one part bleach and nine parts water;
4. Machine wash laundry separately in hot, soapy water.

Handling Needles:

1. Needles used to administer medications or treatments MUST be thrown away in a "sharps" container;
2. A "sharps" container is a thick plastic container available at most medical supply stores.
3. NEVER bend, break, remove, or recap any used needle.
4. If a "sharps" container is not available, a covered glass container could be used.
5. When filled, the "sharps" container must be dropped off at a designated site for medical waste products. Check with area pharmacies or your client's *Health & Wellness Coordinator (nurse)*.

SDS Employee Fact Sheet #9- Abuse and Neglect

Inclusa is committed to protecting members from abuse and neglect. This includes:

Physical Abuse – Actions that cause bodily harm, either on purpose or due to reckless or irresponsible behavior.

Emotional Abuse – Language or behavior that is intimidating, humiliating, threatening, frightening, or otherwise harassing the person.

Financial Abuse – Obtaining a person's money or property without the person's consent. This includes deceiving, enticing, or forcing the person to give, sell at less than fair market value, or otherwise convey money or property without the person's informed consent*.

Sexual Abuse – Sexual activity without the person's informed consent*.

Neglect – The failure to provide adequate care, services, or supervision for a person. This includes not providing food, clothing, shelter, or physical or mental health care, which creates risk to the person's physical or mental health.

Confinement/Restraint – Intentional and unreasonable confinement of a person in a locked room, involuntary separation of the person from his/her living areas, or use of physical restraining devices.

ANY Employee who becomes aware of or suspects abuse or neglect MUST report it to the member's Team immediately.

Any Employee whose actions qualify as abuse or neglect is subject to disciplinary action up to and including termination of employment. Additional action, including contacting law enforcement, may be taken.

**Informed Consent* means the person understands the possible benefits and drawbacks or side effects relating to a particular action, and the person is able to decide yes or no based on analysis of the known information.

SDS Employee Fact Sheet #10- Interpersonal Skills

Direct Support Professionals are always interacting with people – it's part of the job. To have the best possible experience helping another person it is important to keep the following in mind:

- Always treat others as you would want to be treated – with respect.
- Be attentive – listen to what the person is saying.
- Treat others as equals, regardless of their abilities or disabilities.
- If in doubt, ask for clarification. It's okay to say you don't understand.
- Do NOT insult, criticize, or make fun of the person. Verbal abuse will not be tolerated.
- Do NOT take over the conversation or interrupt others. Give the person a chance to speak – it's respectful and can provide valuable information on how the person is feeling or perceiving a situation.
- Be patient.
- Speak clearly. Be mindful if the person is hard of hearing or needs to take a few minutes to process what you are saying.
- If there's a disagreement, find common ground. State your position and why. Listen to the other person's position and ask for additional information if needed.
- We all have our own opinions, values and ideas – it isn't necessary that others agree with everything in order to have a good working relationship. Sometimes it's best to agree to disagree and drop the subject.
- If you notice a change in personality, notify the person's Inclusive Team right away. It could be related to a medical condition that needs assessment and treatment.