

KEEP FOR YOUR RECORDS

FAMILY SUPPORT



HANDBOOK

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FAMILY SUPPORT 360 PROGRAM HANDBOOK

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Purpose of Handbook

This handbook is intended to serve as a guideline describing policies and procedures and does not constitute and should not be considered an employment contract.

Introduction

What is the Family Support 360 Program?

The Family Support 360 (FS360) Program is a participant-directed program which assists adults with developmental disabilities and families of children with developmental disabilities to:

- make decisions about their own lives;
- live where they choose;
- work where they choose;
- participate in their communities.

What is Participant-Direction?

Participant direction means that the Participant exercises decision making in the direction of his/her services and accepts the responsibility for taking a direct role in managing them. Participant direction promotes personal choice over the delivery of services including who provides the service and how they are delivered. For example, the Participant may be afforded the opportunity and be supported to recruit, hire, and supervise a FSP(s) who provides family support services.

Commonly Used Terms

Employer Agent

An Employer Agent is an agency, agent or vendor contracted by the Department of Human Services, Division of Developmental Disabilities, whose FS360 Program is funded by Medicaid through the Family Support Home and Community Based Waiver (Family Support 360 Program). South Dakota has chosen a participant-directed system (i.e., Agency with Choice model). In this model, the Provider of services is employed by LifeQuest, who is the employer of record. LifeQuest and the Managing Employer enter into a co-employer relationship wherein the two parties jointly share responsibilities through a written co-employer agreement.

Employer of Record

Under the Family Support 360 Program, LifeQuest is the employer of record performing a number of employer related tasks (i.e., ensuring federal, state, and local employment taxes, labor and worker's compensation rules, and payroll are implemented in an accurate and timely manner).

Managing Employer

The Participant and/or family is the Managing Employer. The Managing Employer signs a co-employer agreement with LifeQuest which describes each of their responsibilities. The Managing Employer as co-employer of a Family Support Provider will recruit, interview, request for hire, train, manage, schedule, and dismiss if needed. LifeQuest also has the ability to dismiss a Provider according to LifeQuest policy or due to conduct which does not reflect positively on the Participant, family, or LifeQuest.

Participant

The participant includes:

- (a) the participant acting independently on her/his own;
- (b) the parent(s) of a minor child who is the participant, acting on behalf of the child; and
- (c) a legal representative (i.e., guardian) when the representative has the authority to make pertinent decisions on behalf of the participant.

Family Support 360 Coordinator

An employee of a Community Service Provider or a Case Management Agency who provides service coordination to assist Managing Employer to access needed services and supports, including medical, social, educational and other services, regardless of funding source.

Family Support Provider

An hourly part time special employee, working no more than 20 hours per week regardless of how many Participants supported, employee who provides personal care, companion services, supported employment or respite care services in the Managing Employer home or in a community setting. A Family Support Provider (FSP) provides services that a Participant is unable to do independently and does so in accordance with the Participant's Plan of Care.

Plan of Care

Written plan developed by the Participant and/or legal guardian, parent/family member, or advocate with the Family Support 360 Coordinator. The Plan of Care documents service and support needs for each Participant, including services provided by other programs and organizations. The Plan of Care includes goals, Providers, frequency of service, rate of pay, and training needs.

Family Support 360 Program Service Descriptions

Services offered through the Family Support 360 Program include:

- ◆ **Respite Care**
Services provided to program Participants who are unable to care for themselves; furnished on a frequency determined in the Participant's Plan of Care because of the absence or need for relief of those persons normally providing the care. Respite Care may not be utilized when the parent/caregiver is working.
- ◆ **Personal Care**
Services allowable are to assist the Participant in accessing the community or assist the Participant in the home with bathing, dressing, personal hygiene, activities of daily living and eating. This service may include assistance with preparation of meals, but does not include the cost of the meals themselves. When specified in the Plan of Care, this service may also include such housekeeping chores as bed making, dusting and vacuuming, which are incidental to the care furnished, or which are essential to the health and welfare of the Participant, rather than the Participant's family. Personal care Providers must meet State standards for this service. Personal care providers may be members of the Participant's family.
- ◆ **Companion Services**
Companion services are non-medical and include supervised integrated socialization, role modeling, and independent living skill development. Skill development may include such

tasks as assistance and/or supervision of meal preparation, laundry and shopping, navigation of public transportation, assistance and/or supervision with acquisition, retention or improvement in self-help, socialization, and adaptive skills. This may take the form of hands-on assistance or cuing to prompt the Participant to perform a task. Companion care is provided in accordance with a goal in the Plan of Care. The Coordinator shall assist with the self-directed needs of the Participant when recruiting, hiring, and training FSP to provide companion care services. Provider qualifications: The FSP will be at least age 18 and older unless there is an occasion when a qualified FSP age 18 and older is not available. On those occasions the FSP must be a least 16 years old.

◆ **Supported Employment Services**

Supported employment services include activities needed to sustain paid work by Participants receiving waiver services, including supervision and training. When supported employment services are provided at a worksite in which persons without disabilities are employed, payment will be made only for the adaptations, supervision and training required by Participants receiving waiver services as a result of their disabilities, and will not include payment for the supervisory activities rendered as a normal part of the business setting. Supported employment services do not include production of goods or services, nor compensation for Participants. Supported employment services are directed towards assisting Participants to obtain and retain paid employment in community settings. These services include job search and job placement activities, situational evaluations and trial placements; and long term support to help Participants maintain a desired, integrated employment status. The Coordinator shall assist with the self-directed needs of the Participant when recruiting, hiring, and training supported employment staff.

Family Support Provider Job Description

The FSP is required to receive training commensurate with the service to be provided. Specific areas of training and who will provide the training will be documented in the Plan of Care. The FSP is required to ensure the safety of all Family Support 360 Program Participants.

Providers:

- Must empathize with the needs of people with developmental disabilities.
- Must be dependable, responsible, patient, and punctual.
- Must be able to perform essential functions of the job.
- Must be flexible to the program Participant's needs.
- Must assure part time employee status by working no more than 20 hours per week.
- Do not dispense medications to the program Participant.

Specific FSP qualifications for each Family Support 360 service include:

▪ ***Respite Care Services Provider***

The FSP providing the respite care must be at least 16 years of age.

Oversight of the FSP will be provided by the Managing Employer. The FSP will be able to follow written or verbal instructions given by the Managing Employer; have the ability or skills necessary to meet the Participant's needs as delineated in the Plan of Care; receive

training from the Managing Employer in performance of all respite care services delineated in the Plan of Care.

- ***Personal Care Services Provider***

The FSP must be at least 18 years of age unless there is an occasion when a qualified FSP at least 18 years old is not available. On those occasions, the FSP must be at least 16 years old.

Oversight of the FSP will be provided by the Managing Employer. The FSP will be able to follow written or verbal instructions given by the Managing Employer; have the ability or skills necessary to meet the Participant's needs as delineated in the Plan of Care; receive training from the Managing Employer in performance of all personal care services delineated in the Plan of Care.

- ***Companion Services Provider***

The FSP must be at least 18 years of age unless there is an occasion when an FSP at least 18 years of age is not available. On those occasions, the FSP must be at least 16 years old.

Oversight of the FSP will be provided by the Managing Employer. The FSP will be of good health, have the ability to read, write, and follow instructions; be able to report changes in a Participant's condition or needs to the legal guardian, advocate, or family member; maintain confidentiality, complete required record keeping, and have the ability or skills to meet the needs of the Participant delineated in the Plan of Care.

- ***Supported Employment Services Provider***

The FSP must be at least 18 years of age.

Oversight of the FSP will be provided by the Managing Employer. The FSP will be able to follow written or verbal instructions given by the Managing Employer; have the ability or skills necessary to meet the Participant's needs as delineated in the Plan of Care; receive training from the Managing Employer in performance of all supported employment services delineated in the Plan of Care; maintain confidentiality; and complete required record keeping.

Hiring Process

The Managing Employer will locate and interview potential FSPs. The Managing Employer will then refer the potential FSP to the FSC to complete specific forms and requirements. The potential FSP must meet LifeQuest hiring requirements prior to approval and understand they may not provide services for pay until approved for hire by LifeQuest. LifeQuest will contact the Family Support Service Coordinator to notify the Managing Employer as to the employment status of the FSP.

Criminal Background Check

The applicant selected for employment must undergo a criminal background and OIG (Office of Inspector General) check. LifeQuest will ensure the requested criminal background check is completed and will review the results of the criminal background check before a final offer of employment is made. Upon review of the results of the criminal background check, LifeQuest will notify the Family Support Coordinator as to whether an offer of employment can be made. The Family Support Coordinator will notify the Managing Employer. Any applicant having a criminal history

may be denied employment. LifeQuest will pay the criminal background check processing fee. Results of the criminal background check are confidential.

Required Forms

All potential FSPs must complete the following forms to be considered for hire. These forms must be completed and submitted to the FSC. See the list below for required documents.

Family Support 360 Provider Agreement

LifeQuest Data Sheet

Employee Withholding Certificate (IRS W-4)

Tax form required by the Internal Revenue Service. When Federal withholding taxes are deducted from an employee's wages, the employee chooses how this is done. Please fill out the "Employee's Withholding Certificate" portion of the form completely and make sure to sign and date in Step 5, above "Employee's Signature" and "Date."

Employment Eligibility Verification (I-9)

The purpose of this form is first to verify the identity of the proposed employee and, secondly, to verify that the proposed employee is eligible to work. Federal Labor Laws require that this form be completed within **three (3)** days of hire or the employee is subject to discharge. Detailed information on acceptable forms of employee verification is included in specific instructions on the I-9 form.

Affirmation of Family Support Providers Employee Handbook

There are policies and procedures that pertain to a new FSP and are required by the State of South Dakota and LifeQuest. These policies are in place for the protection of the Managing Employer and the FSP. All FSPs are required to sign a statement that they have received, read, and understand this Handbook and related policies.

Driver Release and Vehicle Release Form

LifeQuest will require a copy of a FSP's driver's license, proof of motor vehicle insurance, and a driving record check.

Direct Deposit Form

Form needs to be completed and a void check needs to be sent with the form.

New Hire Reporting

The Personal Responsibility and Work Opportunity Act of 1996 and South Dakota Codified Law 25-7A-3.3 established the New Hire Reporting Center (NHRC) which requires employers to report certain information on newly hired FSPs. All employers, private, non-profit, and government agencies, must report all new hires, including any FSP that is hired whether full-time, part-time, student or temporary worker to the NHRC. At a minimum, if an employer is required to give an FSP a W-2 form, the employer must meet the new hire

reporting requirements. The new hire reports are mainly used to match against child support records to locate parents and to establish or enforce child support orders.

Wages and Other Conditions of Employment

FSPs must comply with the following conditions:

- LifeQuest must receive all required documents and forms or the FSP packet will not be processed for hire.
- Approved FSP must provide services within 60 days of approval date or will be terminated.
- FSP must have approved hours entered every 12 months or will be terminated.
- Approved parents, legal guardians, or spouses may be FSPs for Participants 18 yrs old & up
- Approved extended family members may be a FSP for Participants of any age.
- Any change in address, marital status, etc., must be reported immediately to LifeQuest.
- LifeQuest should be informed immediately when employment has ended and/or the FSP makes the decision to leave his/her position.
- Time worked must be submitted within the current pay period.

Hours Worked

In accordance with LifeQuest's policies, FSPs are considered to be hourly Part Time Special Employees. All FSPs will be covered under Unemployment Insurance, Worker's Compensation Benefits, and Social Security.

FSPs will not work in excess of twenty (20) hours per week. FSPs that exceed twenty (20) hours per week may be subject to disciplinary action up to and including dismissal.

FSPs will be paid at least federal minimum wage. The Managing Employer sets the FSP's hourly wage with the FSP. Each Managing Employer has a budget for services based on his/her individual approved Plan of Care. The Managing Employer and Family Support Coordinator should be cognizant of these budgetary constraints when scheduling FSPs. The Managing Employer and/or Family Support Coordinator will not schedule FSPs when services have not been authorized through the Plan of Care or, for example, when the Participant is hospitalized or the FSP has not been approved as an FSP. The FSP's hours of work will be scheduled by the Managing Employer and FSP. The FSP needs prior authorization from the Managing Employer and LifeQuest to increase or extend hours worked. **FSPs are responsible to not schedule themselves for more than 20 hours per week regardless of how many Participants they serve.**

Employment-at-Will

South Dakota is an Employment-at-Will State and does not have any laws pertaining to the separation of employment. The employer can hire anybody he/she wants and fire anybody he/she wants at any time as long as he/she does not discriminate against the FSP. Discrimination and harassment on the basis of age, sex, sexual orientation, gender identity, race, religion, national origin, color or disability is considered illegal under federal labor and employment laws.

Timesheets, Paydays, and Requests for Payment

Policies and procedures for timesheets, paydays, and requests for payment are in accordance with LifeQuest's policies and procedures.

Professional Liability Insurance

As a common law employee of LifeQuest, each FSP is covered by the agency's liability insurance policy.

South Dakota Labor Laws

For further information or frequently asked questions on South Dakota Labor Laws, contact the South Dakota Department of Labor directly or access the following website:

<http://www.state.sd.us/applications/LD01DOL/frameset.asp?navid=&filtertype=1>

Workers' Compensation

Each FSP is covered by Worker's Compensation insurance. More information on Worker's Compensation benefits is available from the South Dakota Department of Labor.

Notification of Injury

"Immediately upon the occurrence of an injury, or as soon as practicable," South Dakota law requires injured FSPs to give written notice of the injury to their employer. The notice is to be provided within three (3) business days after the injury.

If a FSP is injured while working, the FSP must notify LifeQuest by telephone immediately. The FSP is required to complete a "First Report of Injury" form. The FSP must notify LifeQuest within twenty-four (24) hours of the injury to obtain a "First Report of Injury" form. The form must be completed and mailed to LifeQuest within three days of the notification. The form must be completed in full by answering all of the questions and contain all witness signatures and the FSP's signature.

Employers are required to complete an Employer's First Report of Injury form and submit it to their worker's compensation insurance carrier. The employer has seven (7) days excluding Sundays and holidays to submit this form. Employers who fail to report work-related injuries within seven (7) days may be charged with a Class 2 misdemeanor and are subject to a \$100 civil penalty imposed by the Department of Labor.

Unemployment Insurance

If a FSP's employment ends or is interrupted for any eligible reason, he/she may apply for State Reemployment Assistance benefits. More information on Reemployment Assistance benefits is available from the South Dakota Department of Labor.

Child Labor Provisions

The child labor provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being. The provisions include restrictions on hours of work for minors under 16 years old and lists hazardous occupations for both farm and non-farm jobs declared by the Secretary of Labor to be too dangerous for minors to perform. In non-farm work, the permissible jobs and hours of work, by age, are as follows:

- 18 years or older may perform any job, whether hazardous or not, for unlimited hours;
- 16 and 17 years old may perform any nonhazardous job, for unlimited hours;

FSP Use of Vehicles

If the FSP will be transporting the Participant, the following requirements apply:

- The FSP's driving record must be clear of violations;
- The Participant's Plan of Care must include transportation as a service provided;
- The vehicle used must be properly insured: LifeQuest does not provide automobile liability insurance coverage and assumes no liability in regard to auto accident claims made by a Provider.
 - a) When the FSP's vehicle is used to transport Participants, the FSP must provide verification of insurance and a letter from his/her insurance agent confirming coverage (i.e., minimum of \$100,000 per occurrence automobile liability coverage).
 - b) When the Managing Employer's vehicle is used, the Managing Employer must provide LifeQuest verification of minimum of \$100,000 automobile liability coverage.
 - c) It is recommended FSPs contact their automobile insurance agent when using their personal vehicle for work because the FSP's insurance carrier may require additional coverage.

DRIVING - Under 17 Years of Age

No FSP under seventeen-years-old may drive a motor vehicle on public roads as part of his or her job if that employment is subject to the Fair Labor Standards Act (FLSA).

DRIVING - 17 Years of Age

Seventeen-year-olds may drive on public roadways as part of their employment, but **ONLY** if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17-year-old holds a state license valid for the type of driving involved in the job performed;
- The 17-year-old has successfully completed a state approved driver education course and has no record of any moving violations at the time of hire;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle; and
- The driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than one-third of his or her workday and no more than 20 percent of his or her work time in any workweek driving.

In addition, the driving may NOT involve:

- Towing vehicles;
- Any other vehicle other than an automobile or truck (i.e. bus, motorcycle, ATVs, golf cart);
- Transportation for hire of property, goods, or passengers;
- Urgent, time-sensitive deliveries;
- Transporting more than three passengers, including FSPs of the employer;
- Driving beyond a 30 mile radius from the youth's place of employment;
- More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited);
- More than two trips away from the primary place of employment in any single day to transport passengers, other than FSPs of the employer.

South Dakota Good Samaritan Act § 20-9-4.1.

General immunity from liability for emergency care - Exceptions.

No peace officer, conservation officer, member of any fire department, police department and their first aid, rescue or emergency squad, or any citizen acting as such as a volunteer, or any other person is liable for any civil damages as a result of their acts of commission or omission arising out of and in the course of their rendering in good faith, any emergency care and services during an emergency which is in their judgment indicated and necessary at the time. Such relief from liability for civil damages shall extend to the operation of any motor vehicle in connection with any such care or services.

Nothing in this section grants any such relief to any person causing any damage by his willful, wanton or reckless act of commission or omission.

(SL 1968, ch 193; 1970, ch 140; 1986, ch 4, § 9.)

Policies and Procedures Specific to the Family Support 360 Program

FSP's must abide by policies and procedures which include but are not limited to the following:

- Agency with Choice Policies - LifeQuest Policy 700.1
- Confidentiality Policy – LifeQuest Policy 700.1.2
- Drug-free Workplace Policy – LifeQuest Policy 700.1.3
- Grievance Procedure – LifeQuest Policy 700.1.4
- Emergency Procedures and Back-up Plan- LifeQuest Policy 700.1.5
- Harassment Policy – LifeQuest Policy 700.1.6
- Abuse/Neglect/Exploitation Reporting Policy – LifeQuest policy 700.1.7
- Safety Policy – LifeQuest Policy 700.1.8
- Universal Precautions Policy – LifeQuest Policy 700.1.9
- Proper Lifting Techniques Policy – LifeQuest Policy 700.1.10
- Termination and Notice Requirements- LifeQuest Policy 700.1.11
- Payment and Billing – LifeQuest Policy 700.1.12

Agency with Choice Policies - LifeQuest Policy 700.1

LifeQuest Family Support Agency with Choice will sign a contract with the State of South Dakota on an annual basis with the following understandings:

- I. Family Support Participants and Providers will follow all policies and procedures in LifeQuest's Family Support Handbook.
- II. Family Support Participants will sign a Co-Employer Agreement with LifeQuest which outlines LifeQuest's Family Support Policies and Procedures.
- III. Family Support Providers will sign a Family Support Provider Agreement which outlines LifeQuest's Family Support Policies and Procedures.

- a. Family Support Providers are hired as Special part-time employees as outlined in *LifeQuest Policy 403.3.1 Eligibility for Benefits*

Special part-time: A part time employee whose hours, compensation and benefits will be coincident with whatever is stipulated in the grant, program, contract, or project funding that position. This employee is entitled to Social Security and Workers' Compensation benefits. Family Support 360 Providers are Special part-time employees.

- b. Family Support Providers, as Special part-time employees, may work no more than 20 hours a week for LifeQuest.
- c. Family Support Providers receive and review the Family Support Handbook and sign the Family Support Provider agreement to verify understanding of hours of work requirements and other pertinent policies and procedures.

Confidentiality Policy – LifeQuest Policy 700.1.2

Family Support Providers shall respect the privacy of the Participants in the Family Support 360 program. FSPs will hold in confidence all information obtained in the course of their duties, whether that information is obtained through written records or daily interaction with Participants. FSPs will not disclose a person's confidences to anyone.

Upon cessation of employment through the Family Support 360 program, FSPs shall maintain confidentiality and shall hold confidential any information obtained throughout the course of their employment. Violation of this confidentiality statement may be grounds for dismissal from employment.

Drug-Free Workplace Policy – LifeQuest Policy 700.1.3

The Drug-Free Workplace Act of 1988 requires certain employers to comply with regulations aimed at reducing the impact of drugs on the workplace.

FSPs are expected and required to report for work on time and in an appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthy, safe, and secure work environment.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance while working is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including dismissal from employment, and may result in legal consequences.

FSPs must, as a condition of employment, abide by the terms of the above policy. Any conviction under a criminal drug statute for violations occurring while working, must be reported to LifeQuest within five (5) days after the conviction.

Drug Testing

The Managing Employer has the choice to request a drug test for prospective FSPs at the time of employment. When the Managing Employer has reasonable suspicion that a FSP is working under the influence of illegal drugs or alcohol, the Managing Employer can request LifeQuest to require the FSP complete a drug test. The cost of the drug test will be paid for through the Family Support 360

Program. LifeQuest will review the results of the drug test and will notify the FSP and the Managing Employer of the testing results.

Grievance Procedure – LifeQuest Policy 700.1.4

The Family Support 360 Program and LifeQuest recognize the professional nature of the relationship between the Managing Employer and Provider. Because of this professional relationship, the Managing Employer and Provider are expected to make every attempt to resolve differences and/or problems.

Should issues arise between the two parties, the following procedure shall be utilized:

- The aggrieved party must bring the grievance to the attention of the other party. Both parties will meet to discuss the issue and potential solutions as soon as possible.
- If the issue is not resolved, the aggrieved party shall have the right to submit the complaint, in writing, to LifeQuest. The written complaint must also detail all previous efforts taken to resolve the issue.
- After reviewing the written complaint, LifeQuest will attempt to resolve the issue. This will include mediation, either by telephone or in person.
- LifeQuest, whose decision is final and binding, will report to both parties with a decision within ten (10) working days of mediation attempts.

Emergency Procedures and Backup Plan- LifeQuest Policy 700.1.5

The family support participant/family (Managing Employer) shall develop and implement emergency procedures as necessary and appropriate to ensure the safety of the participant and provider. The family support participant/family (Managing Employer) shall train all providers on the emergency procedures. When appropriate the participant/family shall develop a backup plan to ensure continuity of care as outlined in the participant's care plan.

Harassment Policy – LifeQuest Policy 700.1.6

LifeQuest is committed to providing a working environment free of unlawful harassment based on an individual's race, color, religion, creed, ancestry, gender (including pregnancy), sexual orientation, gender identity, national origin, disability, age, genetic information, military/veteran status, or other basis prohibited by law.

It shall be a violation of this policy for a Family Support Provider to harass another through conduct or communication of a sexual nature or communication disparaging a person's race, color, religion, creed, ancestry, gender (including pregnancy), sexual orientation, gender identity, national origin, disability, age, genetic information, military/veteran status, or other basis protected by law.

LifeQuest will investigate all complaints of harassment and will discipline or take appropriate action against any FSP who is found to have violated this policy.

Definitions

Harassment: Harassment consists of physical or verbal conduct, related to a person's race, color, religion, creed, ancestry, gender (including pregnancy), sexual orientation, gender identity, national

origin, age, disability, genetic information, military/veteran status, or other basis prohibited by law, when the conduct:

- (i) has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's work performance; or
- (iii) otherwise adversely affects an individual's employment opportunities.

Sexual Harassment: Sexual harassment is any unwelcome sexual advance(s), request(s) for sexual favors and/or other verbal, physical and/or visual contact(s) of a sexual nature, or communication of a sexual nature when:

- Submission to such conduct or communication is made either explicitly or implicitly a term of a person's initial employment;
- Submission to or rejection of such conduct or communication by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct or communication has the purpose or effect of interfering with an individual's work or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include but is not limited to:

- (i) unwelcome verbal harassment or abuse based upon gender;
- (ii) unwelcome pressure for sexual activity;
- (iii) unwelcome, gender motivated or inappropriate patting, pinching, or physical contact;
- (iv) unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt threats concerning the individual's employment status;
- (v) unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment status; or
- (vi) unwelcome behavior or words directed at an individual because of gender.

Reporting Incidents of Harassment

Any FSP who has a complaint of harassment at work by anyone, including supervisors (managing employer), co-workers, visitors, or Participants, is urged to bring the matter to the attention of LifeQuest officials so that LifeQuest may investigate and deal with the problem. Complaints of harassment should be made orally or in writing to a Family Support Coordinator or LifeQuest Executive Director or LifeQuest Human Resources Manager. If the complaint involves someone in a direct supervisory position with respect to the FSP, or if the FSP is uncomfortable discussing the matter with his or her direct supervisor, the FSP is urged to go to the Family Support Coordinator or to LifeQuest with the complaint.

Investigation

Upon receipt of a report alleging harassment, LifeQuest shall conduct an investigation. In determining whether alleged conduct constitutes harassment, LifeQuest will consider the surrounding circumstances, the nature of the advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator(s).

LifeQuest has a compelling interest in protecting the integrity of its investigations. In every investigation, LifeQuest has a strong desire to protect witnesses from harassment, intimidation, and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover up. LifeQuest may decide in some circumstances that in order to achieve these objectives it must maintain the investigation and its role in it in strict confidence. If LifeQuest reasonably imposes such a requirement and any individual does not maintain such confidentiality, LifeQuest may subject that individual to disciplinary action up to and including immediate termination.

Prohibition Against Retaliation

LifeQuest will discipline any individual who retaliates against any person who reports alleged harassment or who retaliates against any person who testifies, assists or participates in any investigation, proceeding or hearing related to a harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against an individual.

Discipline

LifeQuest will take such disciplinary action it deems necessary and appropriate to end harassment and prevent its recurrence, including but not limited to, warning, suspension or immediate discharge.

Abuse/Neglect/Exploitation and Incident Reporting Policy – LifeQuest Policy 700.1.7

A Family Support Provider providing services to Participants through the Family Support 360 Program/HCBS waiver is required to report alleged incidents of abuse, neglect and exploitation against children or adults with developmental disabilities.

Alleged incidents involving suspected physical and/or sexual abuse or neglect of a child must be reported immediately to the Department of Social Services, Child Protection Services and/or local law enforcement.

Alleged incidents of abuse, neglect and exploitation against any Participant will be reported immediately to the Family Support 360 Coordinator. The Family Support Coordinator will provide notice to the South Dakota Department of Human Services, Division of Developmental Disabilities, and/or the Department of Social Services, Adult Services and Aging. When an allegation involves an FSP, the Family Support Coordinator will also provide notice to LifeQuest.

Safety Policy- LifeQuest Policy 700.1.8

The Family Support 360 Program promotes a safe working environment for FSPs and Participants. To assist in assuring a safe working environment, the Family Support 360 Coordinator will provide assistance to the Managing Employer to assess home safety to include:

- Location of lighting for entrances and stairways;
- Stairways/entrances are kept free of clutter, throw rugs, or loose carpet;
- Handrails are securely fixed;
- Electrical cords and telephone cords run along walls;
- Unstable furniture that could lead to injury;
- Floors free of clutter;
- Safe and proper use of all kitchen appliances;
- Recommend a hot water temperature of less than 120 degrees;
- Non-skid surfaces and grab bars as needed in bathrooms;
- Orientation for all transferring and adaptive equipment;
- Electrical cords in good repair;
- Weapons stored in an area that is not threatening or accessible to Provider;
- Provider is aware of any existing toxic chemicals on the premises and safety standards for each
- Smoke detectors and, if present, fire extinguishers are working properly and checked yearly;
- Emergency contact numbers are available;
- Provider is aware of an emergency exit plan in case of fire; and
- Provider is aware of an emergency plan in case of tornado.

Universal Precautions Policy – LifeQuest Policy 700.1.9

All Family Support Providers are encouraged to use precautions to protect both the Participant and the FSP from possible infections through exposure to bodily fluids. The goal is to minimize possible risk of exposure to infection. Each FSP and Participant has individual needs and may wish to use gloves in circumstances other than those outlined below. It is strongly encouraged that both parties discuss individual needs.

Gloves are to be worn during procedures when hands come in contact with bodily fluids, mucous membranes or broken skin, including the following:

1. When blood is present and visible (i.e., cuts, in urine, in stool, menstruation, etc.).
2. When handling excretions (i.e., vomit, urine and stool/feces, etc).
3. When coming in contact with open skin wounds or lesions, including handling dressings.
4. During all bladder and bowel care.
5. When providing oral care, especially if gums are broken or bleeding.
6. Whenever secretions are present (i.e., nasal secretions, sputum from cough, etc.)
7. Whenever handling soiled linens or clothing, incontinence and peri pads, etc.
8. Whenever cleaning urinals, bedpans, drainage bags, or toilets.
9. Whenever an FSP has cuts, open or chapped areas on hands.
10. Gloves are to be disposed of after each use.

NOTE: HANDWASHING MUST BE DONE BEFORE AND AFTER PROVIDING ANY DIRECT CARE.

Proper Lifting Techniques Policy -LifeQuest Policy 700.1.10

1. When lifting or transferring, make sure that both you and the Participant you are moving understand how the transfer will be done and where you are planning to transfer the person.
2. CHECK your standing position. Your feet should be far enough apart to give you a wide base of support and good balance.
3. Wear low comfortable shoes with non-skid soles.
4. Keep your back straight, bending at the knees and hips so you will be lifting with your stronger leg and hip muscles. DO NOT lift with your back.
5. Get close to the Participant/object being lifted — instead of reaching, move in and hold close.
6. Lift smoothly to avoid the strain of jerky movements.
7. Transfers are easier and safer if done at the same height. Take the time to adjust the height of a bed or chair.
8. If you need to turn, shift the position of your feet and move your body as a unit. Never twist your body.
9. Remember it's easier to push or pull something instead of lifting (i.e., using a draw or pull sheet may be easier to adjust someone's position in bed).
10. Size up the Participant to be lifted. Do not attempt to lift alone if you have any doubt about your ability to do so. If you've misjudged and you feel the Participant is starting to slip from your support, you should use your body as a slide to slowly ease them to the floor, cushioning their fall and then summon assistance.
11. If you're having problems with transfers, discuss it with the Managing Employer or Support Coordinator. Hopefully, there will be a way to make the transfer safe for both you and the Participant.
12. If you have injured your back, you need to check with your physician on what his/her restrictions will be regarding lifting and transfers.

Back Safety

Proper lifting and transferring technique is critical to your back safety and the safety of the Participant. Equally important is proper planning. Before you begin, take a moment to consider the following:

- How much assistance does the Participant need to move safely?
- What are you trying to accomplish? (transfer, ambulate, move)
- Are there any obstacles in the way? (throw rugs, pets, furniture)
- When helping the Participant to move, position yourself as close to them as possible.
- Think about where you are going.
- Make sure you have adequate lighting.

Moderation and balance are important considerations in care and maintenance of your back.

Did you know that.....

- Smokers have a significantly higher risk of developing back pain?
- Every 10 pounds of excess weight that a person carries in their abdomen creates a constant 100 pounds of pressure on the discs in your back?
- Prior to lifting or beginning work, a few stretching exercises can reduce the chance of injury?

Proper Lifting Technique Reminders

- Squat to lift and lower. Do not bend at the waist.
- Keep your lower back bowed in while bending over.
- Keep the weight as close to you as possible.
- Bow your back in and rise with your head first.

- If you must turn, turn with your feet, not your body.
- Never jerk or twist!
- Put the weight down by keeping your lower back bowed in.
- Keep your feet apart.
- Wear shoes with non-slip soles.



The wrong way!



The right way!

Risk Factors for Back Injury

- ❖ Lifting with your back bowed out.
- ❖ Bending and reaching with your back bowed out.
- ❖ Slouching.
- ❖ Twisting or jerking movements.
- ❖ Lack of proper rest.
- ❖ Obesity and poor nutrition.
- ❖ Stress.

Termination and Notice Requirements -LifeQuest Policy 700.1.11

The participant/family must notify LifeQuest when the Participant has been discharged from the program or has decided to terminate services.

Payment and Billing – LifeQuest Policy 700.1.12

Service Delivery and Payment Schedule:

The Managing Employer, with others as part of Participant’s Care Plan, has identified supports/services essential to achieving goal(s) as identified in the Participant’s Care Plan, including providers, training, frequency, duration, and rate of payment.

Any payment in excess of the amount identified for one payment period will occur only with authorization obtained by LifeQuest's Family Support Coordinator from the Family Support 360 Program Specialist.

Billing and Rates

LifeQuest agrees that the service payment identified in the Participant's Care Plan, and made on behalf of the Managing Employer, is considered payment in full for services rendered under this Agreement. LifeQuest will, under no circumstances, demand or receive additional payment from the Managing Employer or other sources unless the payment is a financial responsibility required under a Medicaid program.

LifeQuest will bill all third party resources before using Family Support 360 Program funds unless another arrangement is agreed upon and identified within the Participant's Care Plan.

ADA/ADAAA – LifeQuest Policy 701.1.13

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of LifeQuest to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the company policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

LifeQuest will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to LifeQuest. Contact human resources (HR) with any questions or requests for accommodation.

All employees are required to comply with the company's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation. Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy. The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

Religious Accommodation– LifeQuest Policy 701.1.14

LifeQuest respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the company's business.

An employee whose religious beliefs or practices conflict with his or her job or with LifeQuest's policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to LifeQuest Human Resources. The written request will include the type of religious conflict that exists and the employee's suggested accommodation. Request forms can be obtained from Human Resources. The LifeQuest administrative team will evaluate the request considering whether a work conflict exists due to a sincerely held religious belief or practice and whether an accommodation is available that is reasonable and that would not create an undue hardship on LifeQuest's business. Depending on the type of conflict and suggested accommodation, the administrative team may confer with his or her Managing Employer. Human Resources will communicate the decision on accommodation.