

Their First Day

Orientations

Your **orientation program** should include:

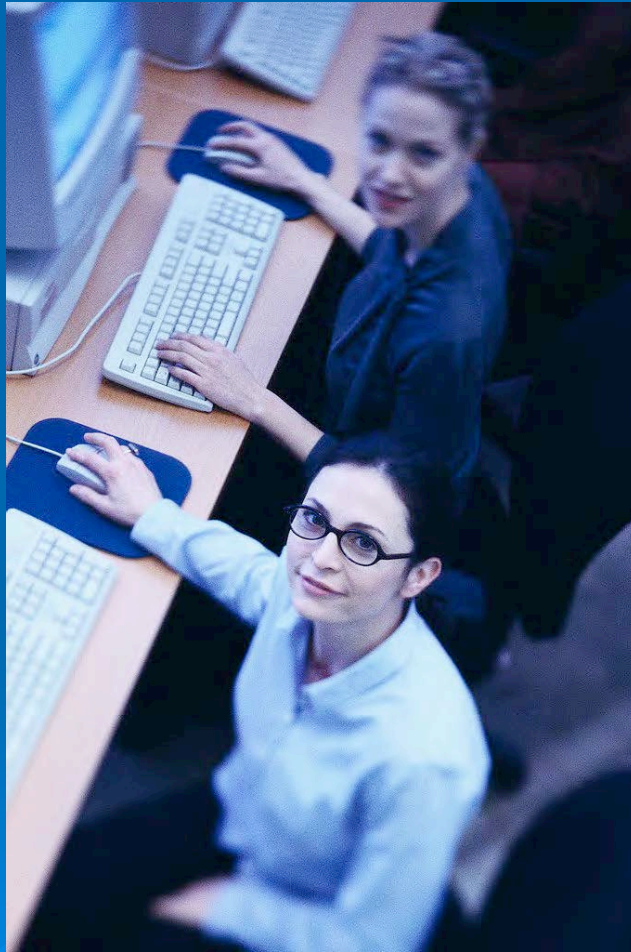
- ☑ Introduction to their supervisor
- ☑ Tour of the facility
 - ☑ include exits, emergency shut-off valves, fire extinguishers and first aid kits
- ☑ Meeting other employees
- ☑ How to clock in and out or sign in and out for payroll
- ☑ Location of MSDS sheets, PPE's, etc. (if appropriate)

Orientations

Your **orientation program** should include (cont'd):

- ☑ Explanation of their upcoming training
- ☑ Emergency and disaster policies and procedures
- ☑ General facility work rules (i.e., use of telephone, cell phones, etc.)
- ☑ Review of their job description that they have signed
- ☑ Sexual harassment training
- ☑ Elder abuse training – video and test

Training



Training Requirements

You are required to provide training, per:

the Department of Social Services

the Department of Justice

OSHA

Staff Training - DSS



Training conducted by a person qualified to do so per Title 22, Section 87411 (4) (A-C)



Training may include use of books, tapes, CD's and similar materials.



Document all training.

Staff Training - DSS

RCFE Administrator Requirements per Title 22:

1. knowledge of the requirements for providing care and supervision appropriate to the residents;
2. knowledge of and ability to conform to the applicable laws and regulations;
3. ability to maintain or supervise the maintenance of financial and other records;
4. the ability to direct the work of others (if applicable);

Staff Training - DSS

RCFE Administrator Requirements per Title 22:

- 5. good character and a continuing reputation of personal integrity;
- 6. have a high school diploma or equivalent (GED)*; and
- 7. be at least 21 years old.

**minimum requirements*

Staff Training - DSS

Required **Administrator** Training for RCFE's:

- ✓ Complete at least 40 classroom hours of continuing education during each 2 year certification period.
- ✓ 8 hours of this must be related to Alzheimer's Disease and other dementias, 4 hours of Regulations and 1 hour of LGBT (if you haven't already taken it)

Staff Training - DSS

Required **Administrator** Training for ARF's:

- ✓ Within 6 months of becoming an Administrator, you must get a minimum of 4 hours of training on HIV and 1 hour on TB.

Staff Training

All RCFE Caregivers (regardless of facility size), as of 2016:

All **NEW** caregivers must receive at least 40 hours of initial training and 20 hours of ongoing training (up from 10 and 4).

This training is separated into 2 phases: training before working independently with residents and training within the first 4 weeks of employment.

Staff Training

The training coursework may utilize various methods of instruction, including, but not limited to, lectures, instructional videos, and interactive online courses.



Staff Training

First, caregivers receive 20 hours of training before working independently with residents.

These 20 hours are comprised of:

The current 10 hour training requirements (see next 2 slides) plus 10 hours of new topics (see following slides).

Staff Training

DSS Required Training:

Title 22, Section 87411

Initial **10** hour training for personal care staff to include:

1. **2** hours of the aging process, physical limitations and special needs of the elderly;
2. **3** hours of importance and techniques of personal care services (grooming, bathing);
3. Resident Rights;
4. **2** hours of medication policies and procedures;
5. Psychosocial needs of the elderly, such as independence, companionship; and
6. Recognizing signs and symptoms of dementia.

Staff Training

The 10 new topic hours include:

- 6 hours of dementia care training – regardless if the facility advertises or promotes dementia care; and
- 4 hours of training on postural supports, restricted conditions and hospice care – regardless if the facility has a hospice waiver.

Staff Training

Also included in the initial training must be cultural competency and sensitivity in issues relating to the LGBT community (per Assembly Bill 1570).



Staff Training

Dementia care topics need to include, but are not limited to:

- The use and misuse of drugs such as antipsychotics
- The non-pharmacologic, person-centered approach to dementia care
- Hydration
- Assisting with ADL's
- Skin care
- Communication
- Therapeutic activities
- Environment
- Recognizing symptoms that may cause or aggravate dementia behaviors
- Recognizing the effects of medications commonly used to treat the symptoms of dementia; and
- Security and supervision of the residents.

Staff Training

4 hours of postural supports, restricted conditions and hospice care training should include, but not be limited to:

- What is a postural support and what is a restraint?
- Define restricted health conditions and prohibited health conditions and procedures to follow if a resident has skin breakdown

Staff Training

4 hours of postural supports, restricted conditions and hospice care training should include, but not be limited to (cont'd):

- Hospice - repositioning the resident, incontinence care, ADL's, proper hydration and nutrition and infection control.

Staff Training

- Caregivers must also receive an additional 20 hours of training within the first 4 weeks of employment.
- Of these additional 20 hours, at least 6 must be dementia care training.
- What should the rest be in?

Staff Training

Annual caregiver training:

20 hours =

- 6 hours must be in dementia care training
- 4 hours must be in postural supports, restricted health conditions and hospice care

Staff Training

Exceptions for CNAs and Nurses:

The preceding training is not required in full, but they will need to receive:

- 8 hours of training on resident characteristics, resident records, and facility practices and procedures prior to providing direct care to residents; and
- a CNA shall also receive the 12 hours of dementia care training and the annual training.

Staff Training

Training requirements for employees assisting residents with self-administration of medication:

Facility Size	<u>Total</u> # Hours of initial training	Hands-on shadowing before working with residents	Other training or instruction	Time requirements
1-15	10 hours	6 hours	4 hours	Completed within first 2 weeks of employment
16+	24 hours	16 hours	8 hours	Completed within first 4 weeks of employment

Staff Training

Training must include (per H&S 1569.69):

- 1) The role, responsibilities and limitations of staff who assist residents with the self-administration of medication, including tasks limited to licensed medical professionals;
- 2) An explanation of the terminology specific to medication assistance;
- 3) An explanation of the different types of medication orders: prescription, over-the-counter, controlled and other medications.

Staff Training

Training must include (per H&S 1569.69) (cont'd):

- 4) An explanation of the basic rules and precautions of medication assistance.
- 5) Information on medication forms and routes for medication taken by residents.
- 6) A description of procedures for providing assistance with the self-administration of medications in and out of the facility, and information on the medication documentation system used in the facility.

Staff Training

Training must include (per H&S 1569.69) (cont'd):

- 7) An explanation of guidelines for the proper storage, security and documentation of centrally stored medications.
- 8) A description of the processes used for medication ordering, refills and the receipt of medications from the pharmacy.

Staff Training

Training must include (per H&S 1569.69) (cont'd):

- 9) An explanation of medication side effects, adverse reactions and errors.
- 10) Each employee must pass an exam testing the employee's comprehension of, and competency in, the subjects 1-9 above. Also they must complete 8 hours of in-service training on medication-related issues in each succeeding 12 month period.

Staff Training

Medication training:

- ✓ 16+ facility = 24 hours of initial training within the first 4 weeks of employment and pass a test of the required subjects
- ✓ 1-15 facility = 10 hours of initial training within the first 2 weeks of employment and pass a test of the required subjects
- ✓ Annual training will be 8 hours for all employees

Staff Training

16+ facility = 16 hours of hands-on shadowing training and 8 hours of other training or instruction.

1-15 facility = 6 hours of hands-on shadowing training and 4 hours of other training.

Staff Training

What is “hands-on shadowing”?

This does not mean you just follow them around during their normal job routine.

This means that you assign them tasks and see if they accomplish them properly. If not, then you must retrain them and have them demonstrate the task again until it is done right.

Staff Training

Note:

Per the Health and Safety Codes, all of the hands-on shadowing training must be developed by, or in consultation with, a licensed nurse, pharmacist or physician.

Staff Training

Examples of tasks to perform for shadowing:

- Sample med pour
- Discontinue order – indicating this on the MAR and communicating with other staff
- Change in prescription order

Staff Training

Note: The initial training applies to just new hires, but the annual training hours will apply to **all** employees.



Elder Abuse - DOJ

Staff training:

The Welfare and Institutions Code requires RCFE's to provide training to facility staff on recognizing and reporting elder abuse. The DOJ has created a video for you to use. All employees must be trained within **60 days** of hire.

Mandatory Sexual Harassment Training

California law requires all employers of 5 or more employees to provide 1 hour of sexual harassment and abusive conduct prevention training to nonsupervisory employees and 2 hours of sexual harassment and abusive conduct prevention training to supervisors and managers once every two years.

Mandatory Sexual Harassment Training

The Department of Fair Employment and Housing offers free online trainings that satisfy these requirements – one for supervisors and one for non-supervisors.

Here is where you access this:

<https://www.dfeh.ca.gov/shpt/>

Staff Training - OSHA

OSHA-Required training:

Safety Committee

Bloodborne Pathogens

Personal Protective Equipment

Hepatitis B

MSDS

Bloodborne Pathogens

OSHA requires us to train our employees on bloodborne pathogens. This training includes:

1. Bloodborne diseases
2. Proper hand washing techniques
3. Gloving procedures
4. Use of protective barriers
5. Universal precautions
6. Proper disposal of Sharp items
 1. Must keep a Sharps Injury Log

Bloodborne Pathogens – Hep B

All employees in the Health Care Industry who perform procedures that involve inherent at-risk potential for bloodborne pathogens must be offered the Hepatitis B vaccine within 10 days of hire. If the employee declines, they must sign a declination form – keep this in their employee file.

Personal Protective Equipment

“PPE” requirements:

- ❖ perform a hazard assessment of the workplace to determine which PPE's may be needed
- ❖ provide these PPE's to the employees at no cost to the employees
- ❖ train the employees on their use
 - * when, why, how to use, replace
- ❖ replace worn or damaged PPE's

Exposure Control Plan

An Exposure Control Plan is a written plan that must be updated annually. It should include:

- how to reduce exposure to bloodborne pathogens
- documentation annually that you have considered and implemented safer medical devices through input of your employees

Hazard Communication

This is included in your IIPP.

Requirements are polices for:

- o training your employees on the proper use, labeling and storage of hazardous substances
- o notifying your employees of new hazardous materials entering the facility



SDS – Safety Data Sheets

- Chemical manufacturers and importers are required to evaluate the hazards of the chemicals they produce or import; they prepare labels and SDS's to convey the hazard information to their customers.
- All employers with hazardous chemicals in their workplaces must have labels and SDS's for their exposed workers, and train them to handle the chemicals appropriately.

Note: medications regulated by the FDA and OTC items (i.e., cleaning supplies) are exempt from needing an MSDS.

IIPP

Effective July 1, 1991, OSHA requires every employer to establish, implement and maintain an effective Injury and Illness Prevention Program (“IIPP”).

Employee Files

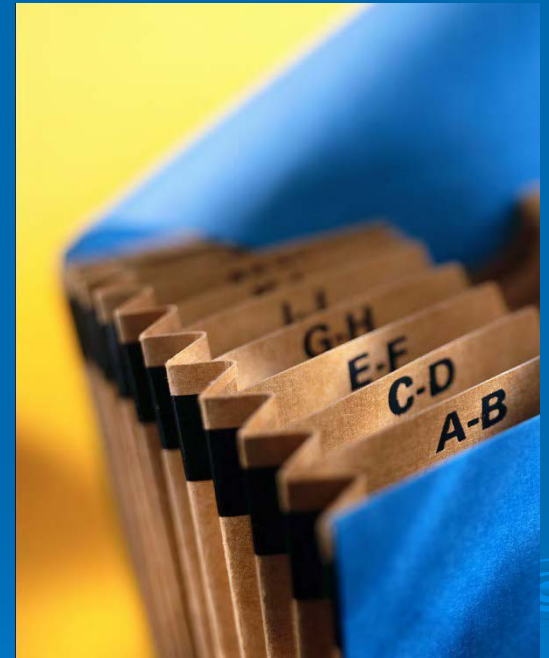


Employee Files

Are your employee files in a locked or secured area?

Are they on-site?

Are they organized?



Employee Files

I-9's:

- ✓ Updated form used (Rev. 2017).
- ✓ Completed properly.
- ✓ Signed by employee and employer.
- ✓ Kept by the employer either for 3 years after the date of hire or for 1 year after employment is terminated, whichever is later.
- ✓ Copies of ID attached.

Employee Files (cont'd)

Employee Applications:

LIC 501 – completed and signed by the employee

Statement Acknowledging Requirement to Report Suspected Abuse (SOC 341A):

Completed and signed by the employee

Employee Files (cont'd)

Terminated/former employees:

Q: How long do have to keep their files?

A: Per DSS, 4 years

Employee Files (cont'd)



Remember, any item that is **health-related** (i.e., TB test results) **MUST** be kept in a separate file in an area separate from their regular employee file.

Motivating Your Current Employees

Motivation

Understanding and knowing your employees

Recognizing achievement

Making praise effective

Putting your praise in writing or dollars

Motivation (cont'd)

Get to know your associates

- 😊 talk with them
- 😊 ask for their opinions
- 😊 listen
- 😊 encourage them to share their ideas

Motivation (cont'd)

Recognizing achievement

- ☺ people crave recognition
- ☺ learn everyone's name and use it
- ☺ public vs. private – may depend on the person
- ☺ recognize everyone as an individual
- ☺ show you care – everyone has interests outside of work – find out what they are

Motivation (cont'd)

Making praise effective

- 😊 human beings thrive on praise
- 😊 don't praise so much that it becomes worthless
- 😊 public vs. private – may depend on the person
- 😊 be sincere and specific

Motivation (cont'd)

Putting praise in writing or dollars

- ☺ ideas: thank you cards, gift cards, GEM awards
- ☺ do you really want to give them a raise?
- ☺ employee of the month
- ☺ consider *everyone*, not just employees people see

Motivation (cont'd)

Motivators that work:

- ✓ encourage participation in setting goals and determining how to reach them;
- ✓ keep all employees aware of how their job relates to others;
- ✓ share the big picture!;
- ✓ provide all employees with their essential tools and training to succeed with their job;

Motivation (cont'd)

Motivators that work (cont'd):

- ✓ pay them competitively;
- ✓ provide good, safe working conditions;
- ✓ laugh, have fun;
- ✓ give employees clear direction;
- ✓ allow people to make decisions related to their jobs (if appropriate);
- ✓ have an open door policy – and mean it;

Motivation (cont'd)

Motivators that work (cont'd):

- ✓ give credit and praise for a job well done;
- ✓ treat employees fairly and with respect;
- ✓ help them with work problems;
- ✓ learn what motivates each person and deal with them individually;
- ✓ show interest and concern for your employees;
- ✓ keep people challenged and excited by their work;

Motivation (cont'd)

Motivators that work (cont'd):

- ✓ encourage employees to acquire additional knowledge and skills, like college;
- ✓ make each person an integral part of the team;
- ✓ consider their opinions, ideas and suggestions;
- ✓ keep people informed of their job performance; and
- ✓ encourage people to do their best.

Motivation (cont'd)

Avoiding **negative** motivation

“If you don’t work faster, you’re fired!”

It might work, but how much faster will they work? Probably only enough to keep from getting fired.....

Be specific!

Disciplining Employees

Disciplining Employees

You should have a section in your Employee Handbook that states your facility's discipline and termination policies.

Make sure you follow them and do not make exceptions.

Disciplining Employees (cont'd)

You are entitled to choose your own procedures for employee discipline, but generally, they include:

- ❖ counseling
- ❖ warnings
- ❖ probation
- ❖ suspension
- ❖ demotion and/or termination

Disciplining Employees (cont'd)

Consider the issues on the following slides before taking disciplinary action against an employee.

Since consistency in disciplinary actions is extremely important, this list of general considerations may be helpful to ensure that your decision is fair and rational.

Disciplining Employees (cont'd)

Issue: Performance standards or work rules

- Is it reasonable based on the normal capabilities of other employees working under similar conditions?
- Was it clearly communicated to the employee?

Disciplining Employees (cont'd)

Issue: Circumstances

- ➔ Is there sufficient evidence that your employee violated the work rule or did not meet the performance standard?
 - ➔ Have you documented this evidence?
- ➔ Did you adequately train your employee so that he/she should not be failing to meet the required performance standard?

Disciplining Employees (cont'd)

Issue: Circumstances (cont'd)

- Did you consult a manager or supervisor to ensure that there are no extenuating circumstances that might excuse the violation?

Disciplining Employees (cont'd)

Issue: Penalty

- Is the penalty reasonable and appropriate for the particular violation?
- Did you give the same penalty to other employees who committed the same violation?
- Did you treat your other employees in the same manner under similar circumstances?

What's the problem?

- Absenteeism
- Sensitive, temperamental and negative people
- Stress and burn-out



What's the problem?

- The “bypassed” employee
- Undermining issues
- Discrimination



Absenteeism

Costs you:

loss of productivity

overtime

disgruntled co-workers

crime = punishment

reward good attendance

Sensitive, Temperamental and Negative Employees

- Over-sensitive employees: can't accept criticism, get defensive, create a negative workplace
- Temperamental employees: potential temper tantrums, fights between employees, create a negative workplace
- Negative employees: tears down your team with pessimism, resistant to change, "I told you so!"

Stress and Burn-out

- ✧ Yes, working with AD and dementia residents can cause stress and burn-out.
- ✧ When *stress* becomes *distress*, it needs to be addressed.
- ✧ Loss of enthusiasm, energy, motivation, physical issues, such as ulcers, negativity

Stress and Burn-out (cont'd)

- ✧ Be supportive – why are they feeling this way?
- ✧ Consider changing jobs or their job functions
- ✧ Give them an opportunity to acquire new skills, get them re-focused
- ✧ Managing stress – exercise, change of pace, taking a break

Investigations

Have you
conducted a
thorough
investigation of
the issue?



Issuing Warnings

There is no law that states that you must give an employee 3 warnings before you terminate them.

Your policy should be formed by oral assurances, written contracts, your employee handbook or even simply implied based on your practice of giving a certain number of warnings to other employees.

The Three C's

Be CLEAR

Be COMPLETE

Be CONCISE

Issuing Warnings (cont'd)

When issuing a warning to an employee, it's a good idea to have them sign it and keep it in their employee file.

Many employees will take exception to be reprimanded, so state that signing the warning doesn't necessarily admit any wrongdoing; it's simply an acknowledgement that the employee received the warning.

Issuing Warnings (cont'd)

Many times an employee will refuse to sign a written warning.

If they do refuse, document that and file it in their personnel file. If you can have someone else witness this, even better.

You cannot force an employee to sign it.

Demotions

There are no state or federal laws specifically limiting your right to demote an employee.

In general, an employee may be demoted for “just cause” as long as the demotion does not breach a contract (written, oral or implied).

Terminating Employees

Terminating Employees

Possible grounds for termination:

- ☹ abusing the residents
- ☹ fighting
- ☹ lying
- ☹ insubordination
- ☹ stealing
- ☹ violating company policies and procedures
(as stated in the employee handbook)

Terminating Employees (cont'd)

Certain activities are protected by the law, and you may not terminate employees for participating in the activities listed below:

- having wages garnished;
- participating in jury duty;
- military service;
- disclosing or refusing to disclose wages;
- refusing to authorize disclosure of medical information;
- voluntarily participating in alcohol or drug rehabilitation program;
- political activity;

Terminating Employees (cont'd)

- acting as a volunteer firefighter, reserve police officer or emergency rescue personnel;
- refusing to commit an illegal act;
- taking time off for a child's school or day care activities;
- taking time off to appear in a child's school due to a suspension;
- refusing to patronize employer;
- taking time off as a victim of domestic violence to obtain a restraining order, to receive care/counseling or to relocate;

Terminating Employees (cont'd)

- refusing to take a polygraph test;
- maintaining privacy of arrest records that do not lead to convictions;
- enrolling in an adult literacy program;
- serving as an election officer on election day;
- Health care workers reporting apparent victims of abuse or neglect as an exercise of statutory obligation, without suffering discharge or discipline; and
- preventing an employee from disclosing information about a violation of law to a government or law enforcement agency.

Terminating Employees (cont'd)

Termination Decision Checklist:

- Step 1:** Consider your facility's/company's policies and documents
- Step 2:** Consider oral or implied contracts of employment
- Step 3:** Consider State/Federal laws protecting employees
- Step 4:** Review documentation
- Step 5:** Consider legal ramifications of NOT terminating the employee

How to Terminate Correctly

1. A termination should never be a surprise to the employee.
2. Only alert direct supervisors that the employee is about to be fired and have them join you in the office with the employee for privacy.
3. Be the ultimate professional. Stick to the facts, review the employee's performance review, going over the areas that were lacking, and the failure to improve performance. State the cause for termination clearly.

How to Terminate Correctly (cont'd)

4. Keep your cool, and maintain a proper dialogue and language, even if the person being fired doesn't.
5. Be firm but fair and avoid belittling the person being fired.
6. Getting fired is an emotionally charged situation for anyone and maintaining your professional distance and language without showing negative emotion may help the employee being fired to accept the situation better than they might otherwise. Also, by not engaging the employee in an argument, you may still reduce your chances of a wrongful discharge lawsuit.

How to Terminate Correctly (cont'd)

7. When possible, terminate the employee at the end of the day or at a shift change; this reduces the impact on fellow employees.
8. If the employee has access to classified information or you are concerned they may remove company property, have someone accompany them to their office or locker to remove their belongings before they are escorted from the building.
9. Immediately have the employee's access to the computer, emails, etc. removed.

How to Terminate Correctly (cont'd)

Suggestion:

Don't terminate someone in your office.
If the employee breaks down or
becomes belligerent....

you can walk out

You can't fire me, I quit!!!

Rather than firing someone, you make their life so miserable that you force them to quit.....

This can be construed as a **constructive discharge** and you could possibly lose an unlawful discharge lawsuit.

Avoiding Workplace Violence

- ? Were you firm and fair in your termination?
- ? Did the employee really understand why they were being terminated?
- ? Did you engage in an argument with the employee while terminating them?

Final Paychecks

Final paychecks:

You may never withhold a final paycheck.

The time requirement for a final paycheck depends on several factors.



Final Paychecks (cont'd)

Final paycheck timing:

Notice/type	Timing
If you terminate or layoff	immediately
Voluntary quit – more than 72 hours notice	on their last day of work
Voluntary quit – less than 72 hours notice	no later than 72 hours after notice is given

Final Paychecks (cont'd)

Severance pay:

Severance pay is not required by law. Be cautious about paying severance as it may set a precedence for future terminations (discriminatory claims).

Group Exercise

Participate in a mock termination



Quiz and Answers

Q: It's OK to ask an applicant what country they are from.

True
False



Quiz and Answers

Q: Since I have a non-smoking office, it's OK to ask the potential employee if they are a smoker to see if they'll fit in.

True

False

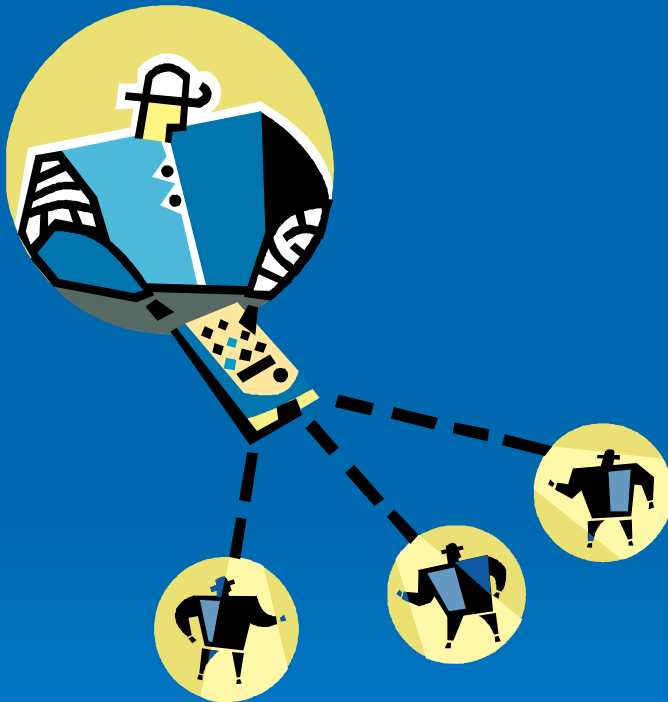
Quiz and Answers

Q: A good way to get information about their **motivation and attitude** is to ask them why they want to leave their current position.

True

False

Quiz and Answers



Q: What
does
“EEOC”
stand for?

Quiz and Answers

Q: If you accept a job application from a prospective employee, if you don't hire them, you must still keep their application on file for a minimum of ____ year(s).

- a) 2
- b) 3
- c) 4

Quiz and Answers

Q: An offer letter is required by law.

True

False



Quiz and Answers

Q: Your **orientation program** should include:

- a) an introduction to their supervisor
- b) a tour of the facility
- c) how to clock in and out or sign in and out for payroll
- d) the location of MSDS sheets, PPE's, etc. (if appropriate)
- e) all of the above

Quiz and Answers

Q: One of the following is not an OSHA-mandated training subject for our industry:

Safety Committee

Bloodborne Pathogens

Personal Protective Equipment

Hepatitis B

AIDS

MSDS

Quiz and Answers

Q: If a person I'm terminating starts to yell at me, I should yell back so I don't look weak and intimidated.

True

False

Sources

- California Department of Social Services
- California Department of Industrial Relations
- US Department of Labor
- “Managing for Dummies” (book)
- US Equal Employment Opportunity Commission
- OSHA and Cal/OSHA
- US Citizenship and Immigration Services
- Monster.com
- The Balance Careers

Conclusion



Assisted Living Education
appreciates your attendance at
our 8 hour CEU Course:
*Interview, Hire and Fire – Stay in
Compliance*

We look forward to seeing you again in
another one of our courses!