



*Resources for Older People and Their Families*

# **Caregiver Guidebook**

## **2022**

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# Introduction

## **Welcome to CareLink**

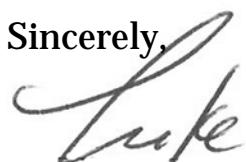
Outstanding people are the key to our success. Thousands of older people are served every year through the efforts of our employees.

To ensure continued success, we feel it is important that all employees understand our policies. This guidebook will help familiarize you with the various aspects of working with CareLink.

I encourage you to use it as a valuable resource for understanding our organization. We feel it will also be a useful reference document.

If you have any questions, please do not hesitate to ask your supervisor or any member of the management team. My best wishes to you and thank you for taking this first step in knowing CareLink.

Sincerely,

A handwritten signature in cursive script, appearing to read "Luke".

Luke Mattingly  
President/CEO

## Vision

“A community of people who celebrate living and are aging well”

## Mission

To connect older people and their families with resources to meet the opportunities and challenges of aging.

We accomplish this by:

- providing in-home services to help homebound older people live in their homes as long as possible,
- offering activities and volunteer opportunities that help active older people stay fit, healthy, and involved,
- helping family caregivers navigate the maze of available services and care for aging family members.

## Core Values

- **Service** – *We strive for excellence in all we do.*
- **Integrity** – *We will be honest and ethical in all we do.*
- **Commitment** – *We put the needs of those we serve first.*
- **Diversity** – *We are stronger because we embrace our differences.*

## **Important Telephone Numbers**

Team Service Coordinators	(501) 688-0600	Human Resources	(501) 688-7410
After hour on-call	(501) 891-3264	LOA/FMLA/401(k)	(501) 688-7484
Service Coordination toll free	(866) 688-0030	Continuing Education	(501) 688-7415
Toll Free Fax	(866) 528-6765	Benefits	(501) 688-7403
Agency Main	(501) 372-5300	Agency Fax	(501) 688-7437
Agency Toll Free	(800) 482-6359		

# **Disclaimer**

This guidebook is intended to provide an overview of CareLink's policies, procedures, and employee benefits. The Agency reserves the unilateral rights to modify, alter, amend, change, discontinue, suspend, cancel, or terminate at any time without written or verbal notice all or any part of the benefits or terms and conditions of employment described in this guidebook, exclusive of any applicable laws or regulations prohibiting the same. Nothing contained herein is intended to, nor does it create any right to employment for any specific length of time, to indefinite employment, to conditions of continued employment or a limitation upon the right of either the Agency or yourself to terminate the employment relationship. The employment relationship is terminable at will by either the Agency or you. No oral or written representation made to an employee at the time of hire or during the course of employment in any way creates a right to any specific term or condition of employment unless reduced to writing and executed by the President/CEO.

## **About This Guidebook**

This Caregiver Guidebook has been prepared to communicate general information regarding CareLink and its policies and may not contain complete details on each subject. Additional details on policies, procedures, and benefits related to your employment are available from your supervisor or a Human Resources Department representative. Also, since policies, procedures, and benefits are subject to change, always consult with your supervisor or Human Resources to make certain that information is current.

Furthermore, your work location may have more specific policies and procedures that reflect the needs or circumstances of its function. We intend for this booklet to further clarify and support those policies. If there are matters addressed here that appear to conflict with departmental policies or practices, please contact your supervisor or Human Resources Department representative for clarification.

The Caregiver Guidebook was developed to provide a positive influence on our day-to-day working relationship and to assure consistent application of work rules and benefits. Caregivers are expected to use this guide as a source of information. Employees are responsible for being knowledgeable of the contents of this guide.

# **CareLink Policies**

## **Agency Rules and Regulations**

Every organization has certain guidelines which were developed to reflect good practices. In establishing rules of conduct we wish to define the guidelines that protect the rights of all employees and ensure maximum understanding and cooperation. Therefore, all employees are expected to be:

- On time and alert when scheduled to be at work
- Careful and conscientious in performance of duties
- Thoughtful and considerate of other people
- Courteous and helpful with clients and with other employees
- Before reporting to work shower/bath, put on clean clothes, brush your teeth, put on deodorant, and comb your hair
- Dressed appropriately in work attire to perform assigned duties. Slacks and a pull over shirt are preferred for Caregivers. Sensible close toed shoes are best suited for the tasks to be performed (pajamas, athletic wear, swim wear, tight clothing or clothing that is revealing are strictly prohibited)

### **Safety**

CareLink expects its employees to conduct themselves in a safe manner. Use good judgment and common sense whether driving, in the field or in the office. Observe any safety guidelines posted and follow all Federal and state safety regulations.

### **Violence**

CareLink is committed to doing what it can to prevent violence in the workplace. Our work rules make clear that acts of violence directed toward another employee or client could result in immediate termination. CareLink could also terminate anyone who takes action which indicates that violence might follow, such as threats of bodily harm, property damage or theft.

Pursuant to A.C.A. 5-73-306, guns and other weapons (including hunting weapons) will not be brought onto CareLink property or vehicles nor will any field employee possess guns or other weapons while on CareLink business.

**VIOLATION OF THIS POLICY WILL SUBJECT AN EMPLOYEE TO  
DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE  
TERMINATION.**

### **Smoking**

Smoking or vaping and the use of other tobacco products or vaping products are prohibited in customer homes, CareLink motor vehicles and in space rented, leased, owned, or otherwise occupied by CareLink. Smoking or vaping will be allowed in designated areas only. Contact your supervisor about the location of the designated smoking or vaping area.

## **Ethical Standards and Conflict of Interest**

CareLink has an excellent reputation for conducting its business activities in accordance with the highest ethical standards. As an employee you enjoy the benefits of that reputation and are obligated to uphold it in every business activity.

Staff employees may not supervise an immediate family member.

Employees are prohibited in the selection and award of a contract in which the employee or their immediate family member may benefit from the contract award. Immediate family is defined as: father, mother, brother, sister, spouse, child, grandparents, and grandchildren.

Employees are prohibited from accepting or giving gifts or favors to clients and/or suppliers in order to give and/or receive preferential treatment.

Employees will not be limited to other employment activities during nonworking hours unless those activities interfere with job performance or cause a conflict of interest for CareLink.

CareLink respects and encourages employees to participate in the political process, however unless specifically authorized by the President/CEO, involvement cannot be on the behalf of CareLink or performed on work time. In certain instances, employees are covered by laws pertaining to political activity on the part of state or local government employees (5 U. S. C. 1501-1518) commonly known as the Hatch Act.

Personnel records and information pertaining to clients is confidential and is collected, safeguarded, stored, and disposed of in accordance with established laws and regulations.

Be advised that you are not to comment on any information gained in the course of employment whether it is verbal or written concerning clients or employees of CareLink. Any employees violating confidentiality policy are subject to disciplinary action up to and including termination.

All information contained in the communications systems such as voice mail, E-mail and computer hardware and software applications is the property of CareLink and will remain agency property upon termination. Employees should not have any expectation of privacy with respect to those systems. If an employee

is ever in doubt about whether an activity complies with our ethical standards or comprises our reputation, please discuss it with your supervisor.

## **False Claims and Whistleblower Protection**

It is the policy of CareLink to provide home care services in a manner that complies with applicable federal and state laws and that meets the high standards of business and professional ethics. Specifically, it is the policy of CareLink to detect and eliminate waste, fraud and abuse related to payments to CareLink from federal or state programs providing payment for customer care and other services. Consequently, CareLink does not tolerate making or submitting false or misleading billing claims or statements to any government agency, home care program or payer source. To further this policy, and to comply with Section 6032 of the Deficit Reduction Act of 2005, what follows is a discussion of CareLink's False Claims and Whistleblower Protection Education Policy. Please review the full policy at Human Resources Policy Number 124.

### ***Federal Laws***

The Federal False Claims Act ("FCA") helps the federal government combat fraud and recover losses resulting from fraud in federal programs, purchases, or contracts. 31 U.S.C. §§ 3729-3733. Actions that violate the FCA include: (1) submitting a false claim for payment, (2) making or using a false record or statement to obtain payment for a false claim, (3) conspiring to make a false claim or get one paid, or (4) making or using a false record to avoid payments owed to the U.S. Government. The FCA imposes penalties of \$5,500 to \$11,000 per claim plus three times the amount of damages to the Government for FCA violations. Any individual can sue for violations of the FCA. Individuals who report fraud generally receive 15% to 25% of the total amount recovered (plus costs and attorney fees) if the Government prosecutes the case, and 25 to 30% if the person litigates the case on his or her own. The FCA contains important protections for whistleblowers. Employees who report fraud and consequently suffer discrimination are entitled to all relief necessary to be made whole, including two times their back pay plus interest, reinstatement at the seniority level they would have had prior to the discrimination, and compensation for any costs or damages they have incurred.

The Federal Program Fraud Civil Remedies Act ("PFCRA") creates administrative remedies for making false claims and false statements. The PFCRA imposes liability on people or entities that file false claims, provide fraudulent documents or information to support a claim, "lies by omission" in a claim, or payment for goods or services not provided. A violation of the PFCRA is punishable by a \$5,000 civil penalty for each wrongfully filed claim, plus an assessment of twice the amount of any unlawful claim that has been paid.

## ***State Laws***

The Arkansas Medicaid Fraud False Claims Act (“AMFFCA”) imposes civil (money) liability on people and corporations who knowingly submit false claims, makes false statements, or receives bribes or “kickbacks” in regard to the Arkansas Medicaid program. It also imposes liability if someone who has a criminal record for fraud or for abuse of adults and participates directly or indirectly in the Medicaid program. A person found liable under the AMFFCA is subject to making full restitution and for a civil penalty of not less than \$5,000 and not more than \$10,000 for each violation, plus 3x the amount of all payments fraudulently received. A person who provides information which leads to a person being found liable under the AMFFCA, may receive a reward at the court’s discretion. The amount may be up to 10% of the aggregate penalty recovered. There is no specific whistleblower employment protection like under federal law, but no person may be subject to civil or criminal liability for providing access to records to the Department of Human Services, the Attorney General, or prosecuting attorneys.

The Arkansas Medicaid Fraud Act (“AMFA”) provides for criminal sanctions in cases of fraud or illegal Medicaid participation under the Medicaid Program. Under the AMFA categories of Medicaid fraud are: (1) Purposely making (or causing to be made) false statements or concealing relevant knowledge in regard to any benefit or payment under the Medicaid Program or in regard to the condition or operation of an entity as regards certification; (2) purposely converting a benefit to a use other than for the use and benefit of the participant; (3) purposely soliciting or receiving any remuneration (kickback, bribe, or rebate) in exchange for certain referrals or recommendations; (4) purposely charging in excess of the Medicaid rate or requiring funds additional to those paid by the program as a condition of admission or continued stay. Penalties of full restitution, a mandatory fine of three times the total amount of the false claims, and a fine of up to \$3,000 per claim may be imposed. Medicaid Fraud is a Class B felony if the aggregate amount of payments illegally claimed is \$2500 or more. It is a Class C felony if the aggregate amount of payments illegally claimed is less than \$2500 but more than \$200. Otherwise, Medicaid fraud is a Class A misdemeanor. Illegal Medicaid participation is where someone who has a criminal record for fraud or abuse of adults participates directly or indirectly in the Medicaid program. Illegal Medicaid participation is a Class A misdemeanor for the first offense; Class D felony for the second offense; Class C felony for the third offense and subsequent offenses. A person who helps with the criminal case where someone is convicted under the AMFA may receive a reward up to 10% of the aggregate penalty recovered.

## *Policies/Procedures for Detecting and Preventing Medicaid Fraud*

CareLink takes Medicaid fraud seriously. Accordingly, CareLink has implemented measures to prevent and detect Medicaid fraud, waste, and abuse. These measures include the use of technology and independent auditors.

CareLink's Home Care Department uses its scheduling/timekeeping system, Generations, to schedule and track service in real time. Generations uses GPS technology to ensure the caregiver is where they are scheduled to be at the time they are supposed to be there. This real-time tracking through Generations is CareLink's first line of defense in preventing and detecting Medicaid fraud. CareLink also has implemented measures to prevent and detect Medicaid fraud at the billing level. CareLink's case management software, Wellsky or Generations has built in measures to ensure integrity of billing. For example: All information from the care plan must be in Wellsky or Generations before any units of services can be keyed to a client. Also, Wellsky or Generations will reject any information including units that do not match the information keyed from the client intake form or the care plan. This prevents the keying of more units than authorized which diminishes the potential for fraud waste and abuse.

CareLink relies on more than technology to prevent and detect Medicaid fraud, waste, and abuse. In order to ensure proper financial management of the organization, each year CareLink engages the service of an independent accounting firm to conduct an audit. As a regular part of the audit, the firm investigates any suspicions or evidence of fraud, waste, and abuse, including Medicaid.

Perhaps the most important tool CareLink has to detect and prevent fraud, waste, and abuse, is CareLink's ethics standards. CareLink is committed to the highest standards of legal and ethical conduct in all its practices. The continued success of the agency is dependent upon the ethical conduct of its representatives. All CareLink representatives are responsible to ensure that their behavior and activity is consistent with this ethics standard, as well as agency policies and procedures, and applicable federal, state, and local laws, and regulations, including Medicaid integrity laws. CareLink expects each representative to abide by the principals of the ethics standards set forth herein. As part of this responsibility, all agency representatives are expected to report any activity or practice that may violate this ethics standard, including any suspicion of potential Medicaid fraud, waste, or abuse, to their supervisor or to the President/CEO.

# **Drug Free Workplace**

Drug abuse and use in the workplace are subjects of immediate concern in our society. The problems created by drug abuse are extremely complex and ones for which there are no easy solutions. From a safety perspective, the users of drugs may impair the safety of all employees, the public at large, and cause damage to property. As a consequence, CareLink intends for its workplace to be drug free. Therefore, it is the policy of CareLink that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance on CareLink premises, on the premises of a workplace controlled by CareLink, or while an employee of CareLink is on the job is prohibited. Any employee violating this policy will be subject to discipline up to and including termination of employment or trainee program. The specifics of this policy are as follows:

- In accordance with Arkansas Act 1336 of 2013 on or after September 1, 2013, applicants to become Caregivers paid in whole or in part with Medicaid funds must submit to a pre-employment substance screen. Also, new, and current Caregivers must submit to random substance screens on average every 54 to 60 months thereafter (See *HR Procedure #114 Pre-employment and Random Substance Testing*).
- Any employee or trainee who, in any way manufactures, distributes, transfers, dispenses, or possesses a controlled substance will be subject to discipline up to and including termination.
- The term "controlled substance" means any drug listed in 21 U.S. C. 812 and any other drug which is illegal under Federal, state, or local law. Generally, these drugs include but are not limited to opiates, marijuana, cocaine (crack), PCP, and amphetamines (methamphetamine).
- Each employee or trainee is required as a condition of employment to inform CareLink within five (5) days after he or she is convicted of a violation of any Federal or state criminal drug statute where such violation occurred while on the job or on CareLink premises. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any Federal court, state court or other court of competent jurisdiction.
- CareLink is required to notify the contracted Federal agencies of the conviction of any employee for drug use or abuse who is employed by CareLink within ten (10) days of receiving notice of the conviction from the employee or otherwise receiving actual notice.
- If an employee or trainee is convicted of violating any drug statute while in the workplace, he or she will be subject to discipline up to and including termination. Alternatively, CareLink may require the employee to successfully complete a drug rehabilitation program sponsored by a private or governmental institution approved by CareLink.

- Abiding by the Drug-Free Workplace Policy is a condition of employment for all employees.
- Any employee or trainee interested in obtaining more information concerning the dangers of substance abuse and local hospitals, medical clinics, and other social service agencies which offer substance abuse counseling and rehabilitation programs should contact the Human Resources Department at 688-7481.
- This policy is intended to comply with the rules published by the Federal Office of Management and Budget in the Federal Register, on January 31, 1989, implementing the Drug-Free Workplace Act of 1988.

## **Arkansas Medical Marijuana Amendment of 2016**

In November 2016, the Arkansas voters approved the Arkansas Medical Marijuana Amendment of 2016 (AMMA), legalizing marijuana, for very limited medical purposes. It is critical for employees to understand that the AMMA did not legalize the use of marijuana in the workplace.

Following passage of the AMMA, Act 593 of 2017 amended the AMMA to further clarify that an employer may establish and implement “a substance abuse or drug-free workplace policy that may include a drug testing program that complies with state or federal law and taking action with respect to an applicant or employee under the policy.” Additionally, Act 593 of 2017 established that a qualifying patient has no cause of action, i.e., a lawsuit, against an employer, and an employer is allowed to take action against an employee for, among other things, “being employed in or performing a safety sensitive position”, if the employer has a good faith belief that the employee was engaged in the current use of marijuana. Some CareLink positions, including Caregivers, are designated as “safety sensitive”. Based upon the express provisions of the AMMA and Act 593 of 2017, the Company will continue to enforce the provisions of this Policy that apply to the unlawful or unprotected use of marijuana. To the extent that the AMMA and this Policy are in conflict, the AMMA will govern.

## **Substance Abuse**

CareLink considers substance abuse unacceptable since it increases the likelihood of on-the-job accidents or mistakes, endangers clients, undermines the health of the employees, and interferes with the ability of CareLink employees to provide quality services. Substance abuse includes, but is not limited to, the use of illegal drugs and the abuse or misuse of legal drugs, medication, or alcohol; or being at work or on working time while under the influence of marijuana, as defined in this Policy or by the Arkansas Medical Marijuana Amendment of 2016.

As used in this policy, the term legal drug is defined as including any prescribed drug or over the counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

As used in this policy, the term illegal drug is defined as follows: drugs or the synthetic or generic equivalent of drugs which are illegal under federal, state, or local laws, including but not limited to, marijuana, heroin, hashish, cocaine, hallucinogens, depressants, and stimulants not prescribed for current medical treatment by an accredited physician and any other drug-like substance, the use, possession or sale of which is unlawful. It also includes any legal drug which is being used in a manner or for a purpose other than as prescribed or labeled.

The term possession when used in this policy relating to alcohol includes traces of alcohol found in the body at a rate equal to or greater than .040%.

As used in this policy, the phrase aberrant behavior is defined as: any act(s) performed or the omission of the performance of any act(s) by an employee which is unusual, reckless, or abnormal or which indicate the employee is incapable of performing job responsibilities and duties. Circumstances that could be indicators of such include, but are not limited to:

1. Apparent physical state of impairment;
2. Incoherent speech or mental state;
3. Marked changes in personal behavior; or
4. Deteriorating work performance not readily attributable to other factors.

The term on-the-job accident refers to any act(s) performed or the omission of the performance of any act(s) by an employee which results in injury to any person or any injury to an employee that requires medical attention by a professional health care provider, or any damage to any real or personal property in excess of \$200. Should such an incident occur, then all employees involved will be tested. A determination as to which employees are involved as well as what constitutes a significant physical injury will be left up to CareLink's discretion, as such may vary from incident to incident depending upon the facts involved.

The term premises when used in this policy is defined in its broadest sense and includes all land, property, buildings, structures, client's premises, and vehicles owned, leased, or being utilized by CareLink personnel. This will include other work locations, as well as travel to and from such locations while in the course and scope of CareLink business.

## **General Prohibitions**

In order to attain and maintain a drug-free workplace, all employees are prohibited from:

1. The use and possession of illegal drugs.
2. The use, consumption/ingestion or possession of alcohol or medical marijuana on CareLink premises, a client/customer home or during the employee's working hours.
3. The sale, distribution, purchase, or transfer, or attempt to do the same, of illegal drugs at any time or place.
4. The abuse or misuse of legal drugs or medications.

NOTE: Any employee undergoing medical treatment prescribed by a physician that includes the use of any drug or medication which is affecting the employee's ability to perform job-related functions must notify the Human Resources Manager in writing. An employee who exhibits aberrant/reckless behavior while taking this medication, which is determined by CareLink to create a substantial risk of significant harm to the employee or others, will be required to remain off work as described below.

## **SAFETY SENSITIVE POSITION**

Personal Care Aides/Caregivers have been designated by CareLink as a Safety Sensitive position. This prohibits the current use of Medical Marijuana.

## **When Testing Will Occur**

The Human Resources Manager must authorize all drug tests other than post-accident. CareLink may conduct drug and alcohol testing for cause under the following circumstances:

1. Suspected use, possession or sale of illegal drugs or the unauthorized consumption or possession of alcohol on CareLink premises or while on the job.
2. If an employee exhibits aberrant behavior on CareLink premises or while on the job.
3. Suspected abuse or misuse of legal drugs or medications on CareLink premises or while on the job.
4. For any employee involved in an on-the-job accident.

NOTE: Any illegal drugs found on CareLink premises or in possession of a CareLink employee while on the job will be immediately turned over to the appropriate law enforcement agency and may result in criminal prosecution.

## Testing Procedure

**Drugs** - Urinalysis is the method employed for testing for the presence of drugs. The urine sample will be taken under controlled conditions at a location designated by CareLink. If the specimen initially tests positive, the specimen will then be forwarded to a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and selected by CareLink for a confirmation test. The results of the confirmation test are controlling.

CareLink has identified and obtained a certified Medical Review Officer (MRO) for the program. Positive results are reviewed by the MRO who will contact the individual and determine whether the individual has a legitimate explanation for a positive test.

The laboratory will retain for a period of one year a portion of all specimens which test positive. Any employee who tests positive may have a test performed upon the retained portion of the specimen at the SAMHSA certified laboratory approved by CareLink and at the employee's expense. CareLink shall retain control of the specimen at all times, including transportation to and from the approved retesting laboratory.

Consideration will be given to the results of the retest. However, those results are not binding upon CareLink.

**Alcohol** - Breath and blood serum testing will be the methods employed for testing for the presence of alcohol. If a breathalyzer is available, a breath specimen will first be obtained from the employee, and a breathalyzer test will be performed. If a breathalyzer is not available or if the breathalyzer results are positive, the individual will be required to provide a blood serum specimen for testing. The results of the blood serum test are controlling.

## Test Results

**Drugs** - A positive test result occurs when the initial screening and the confirmation test indicate the presence of the drug(s) for which the test was conducted. A positive test result is a violation of CareLink policy. Failure to appear for testing for cause within 24-hours of a request to submit to a screen will be considered a positive test and the employee will be terminated.

A negative test result occurs when either the initial screening or the confirmation test indicates the absence of the drug(s) for which the test was conducted.

**Alcohol** - A positive test result occurs when both the breathalyzer and blood serum tests indicate the presence of alcohol equal to or greater than .040%. A positive test result is a violation of CareLink policy.

A negative test result occurs when either the breathalyzer or blood serum test indicates presence of alcohol at less than .040%.

### Confidentiality

Information regarding testing and test results will be treated as confidential. It will be provided only to persons within CareLink with the need to know and to the individual being tested.

### On the Job Accident

This will result in a drug test to be conducted within 24 hours of the accident if reasonable suspicion exists.

### Potential Actions for Violation of This Policy

1. Sale, distribution, purchase, or transfer, or attempt to do the same, of illegal drugs. The individual will be discharged and denied reemployment opportunities.
2. Observed or suspected use, consumption, or possession of illegal drugs while on the job, observed or suspected unauthorized use, consumption, or possession of alcohol while on the job, aberrant behavior. This will result in immediate suspension without pay pending the results of further investigation by a medical review officer. Upon conclusion of the investigation, the employee will be subject to discipline up to and including termination or if no violations of the policy occurred, the employee shall be allowed to return to work with back pay.
3. Known taking of prescription drugs. If an employee is undergoing medical treatment which includes the use of any drug or medication which is affecting an employee's ability to perform job-related functions, and under this policy informs the Human Resources Manager in writing of such, CareLink reserves the right to remove the employee from the job if the employee is unable to perform the essential functions of the position (with or without a reasonable accommodation) or refer the employee to a physician to determine if the use of the medication creates a direct threat of harm to the employee and/or others. If so determined, the employee will be required to remain off the job until the employee is able to perform the essential functions or the direct threat is eliminated. All time off will be without pay unless the employee has any applicable leave available.

### Costs

All costs of testing required by CareLink shall be paid by CareLink.

## Employee Discovery of Drugs/Alcohol or Observation or Persons Suspected of Being Unfit for Duty

If an employee discovers suspected illegal drugs or alcoholic beverages on CareLink property, the employee should immediately notify his or her supervisor. The employee MAY NOT touch or disturb the suspected item.

If an employee observes another employee using, possessing, distributing, transferring, or selling illegal drugs, or observes another employee consuming or possessing alcohol on CareLink property or while on the job, or observes another employee exhibiting aberrant behavior, the employee should immediately notify his or her supervisor.

## Employee Searches

If CareLink has a reasonable belief that an employee is in possession of prohibited drugs or alcohol on CareLink premises or in a customer's home, the Human Resources Manager, Chief Operations Officer or Chief Executive Officer may authorize a search of all land, property, buildings, structures, and vehicles owned, leased, or used by CareLink as well as the personal effects (briefcases, handbags, any item brought to a customer's home, etc.), property or vehicles of the employee on CareLink premises.

## Miscellaneous

This policy and any decision to test an employee does not diminish CareLink's right to administer corrective action based upon violation of other CareLink policies, rules, and procedures, including such factors as poor job performance, absenteeism, etc. Being under the influence of or in possession of alcohol or other prohibited substances is not a defense nor does it constitute mitigating circumstances if an employee is found in violation of any CareLink policy.

## Rehabilitation

Employees needing assistance in dealing with substance abuse problems are encouraged to seek medical treatment and rehabilitation BEFORE a violation of this policy occurs. CareLink's medical insurance program provides for substance treatment, and insured employees should consult the medical insurance summary plan description for more details. In addition, there are community services available to deal with substance abuse problems.

## Amendment

This policy may be amended by the Agency, as necessary, without advance notice. Upon a policy amendment's communication, continued employment by the employee indicates the employee acknowledges and agrees to the amendment.

# **Harassment**

CareLink does not and will not tolerate harassment of its employees or its clients. The term harassment includes, but is not limited to, slurs, jokes, offensive or non-professional conduct, and other verbal, graphic, or physical conduct relating to an individual's race, color, religion, sex, national origin, age, or disability.

Harassment also includes sexual advances, requests for sexual favors, unwelcome or offensive touching and other verbal, graphic or physical conduct of a sexual nature, including cartoons, calendars, and posters.

It will also be a violation of this policy for any supervisor or other member of management to state or suggest to any employee that the employee's continued employment, future advancement, pay or benefits will be affected in any way by that employee's entering into or refusing to enter into any form of personal relationship with the supervisor or member of management.

**VIOLATION OF THIS POLICY WILL SUBJECT ANY EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE TERMINATION.**

If you feel that you are being harassed in any way by a co-worker, member of management or supervisor, client, or supplier you should immediately notify your supervisor, a Manager, Human Resources, or the President/CEO. The matter will be thoroughly investigated and when appropriate, disciplinary, or other action will be taken.

Your complaint will be limited to those who are involved in the investigation and be kept as confidential as possible. There will be no penalty or fear of retribution for reporting any such conduct. You may be asked to provide a written statement concerning your complaint. A refusal to provide a written statement will not terminate the investigation of the complaint, however, it will be considered as part of the investigation.

Do not assume that CareLink is aware of your problem. It is the employee's responsibility to bring complaints and concerns to the attention of the supervisor, Human Resources Manager or President/CEO so that they can be resolved.

# **Equal Employment Opportunity**

CareLink maintains a strong policy of equal employment opportunity. Equal employment opportunity means that CareLink makes employment decisions without regard to race, color, religion, sex, national origin, age, or disability. This philosophy applies to all aspects of employment including recruiting, hiring, training, promotion, compensation, and termination.

CareLink complies with Equal Employment/Affirmative Action statutes of Title VI of the Civil Rights Act of 1964. The Area Agency on Aging has developed and implemented an Affirmative Action plan which is presented at least annually during an agency-wide staff meeting. The Area Agency on Aging also complies with Section 504 of the Rehabilitation Act of 1973 as an applicable regulation regarding nondiscrimination in employment. Complaints of discrimination on the basis of handicap in employment may be filed with the Office for Civil Rights of the Department of Health and Human Services.

# **Americans with Disability Act Compliance**

CareLink prohibits any and all types of prohibited discrimination against a qualified applicant or employee on the basis of: (1) a current disability, (2) record of a prior disability, (3) being perceived or regarded as disabled, or (4) a relationship or association with someone with a disability. A qualified applicant or employee is an individual who can perform the essential functions of the job in question, either with or without a reasonable accommodation.

If CareLink is notified that a qualified individual with a disability requires a reasonable accommodation in order to participate in the application process, perform the essential functions of a job, or enjoy equal benefits and privileges of employment, CareLink will work with that person to attempt to find and implement a reasonable accommodation unless to do so would impose an undue hardship on the operation of CareLink's business or, despite the reasonable accommodation, create a direct threat of safety to the individual or others.

Requests for accommodations can be either oral or in writing, and individuals are not required to use any particular words in making a request. CareLink's Senior Leadership Team is responsible for determining if an individual is considered "qualified" and if a "reasonable accommodation" exists. As such, an applicant or employee in need of an accommodation, or a manager or supervisor aware of an applicant's or employee's need for an accommodation, should contact a member of CareLink's Senior Leadership Team. A designated member of the Senior Leadership Team, usually the team member responsible for the administration of human resources, will promptly engage in the interactive process with the applicant or employee regarding the requested accommodation. The interactive

process will consist of a cooperative dialogue or discussion between the employee or applicant and the designated member of CareLink's Senior Leadership Team. The purpose of the interactive process will be to:

- Evaluate whether the medical condition qualifies as a disability under ADA;
- Determine the disability's effect upon the individual's ability to perform the essential functions of the job;
- If possible, craft an effective accommodation to enable the individual to participate in the application process or to perform the essential functions of the job; and
- Take prompt action to offer and implement the reasonable accommodation.

CareLink will not tolerate any form of retaliation against an applicant or employee on the basis of a disability, a request for a disability accommodation, or participation in a complaint or investigation of disability discrimination. An employee may reach CareLink's Management Team by contacting one of the following individuals:

- President/CEO, Vice President, Director, or Human Resources Manager

## **Pay Transparency Nondiscrimination**

CareLink will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the CareLink's legal duty to furnish information.

## **Introductory Period**

All new CareLink employees, and re-hires, must successfully complete a ninety (90) day Introductory Period. During this period, quality of work, attendance, attitude, initiative, safety record, and adherence to CareLink's policies and work rules will be evaluated. CareLink's Grievance and Progressive Disciplinary policies do not apply to Introductory Period employees. All employees, whether or not they have completed the Introductory Period are "at

will" employees at all times.

## **Progressive Discipline**

At work, as elsewhere, we are all expected to meet certain standards of conduct. CareLink has defined these required standards in the form of policies, procedures, and work rules. In cases where these standards are violated, employees may receive progressive disciplinary action. Work-related issues such as inappropriate behavior, profanity, poor attendance, poor quality or quantity of work, safety violations or violations of other policies or procedures will be addressed through this progressive discipline process. The progression of steps of discipline may include any or all of the following: Counseling with a Record of Conversation, documented Verbal Warning with an Employee Counseling Report, starting the first step in the formal disciplinary process, Written Warning, suspension, and/or separation from employment. In general, discipline should follow the process outlined above. However, depending on the severity of the violation, an employee could receive a written warning, be suspended, or separated for a first offense. In some cases, a manager or supervisor may suspend an employee pending review. These cases include, but are not limited to:

- a) Customer abuse
- b) Unauthorized control or possession of a controlled substance
- c) Willful abuse, destruction, removal, or defacing of the Agency's property, equipment, or assets
- d) Willful abuse, destruction, removal, or defacing of an Agency employee's property, stored, or used at work
- e) Fighting, possession of firearms or other dangerous weapons on Agency property
- f) Insubordination
- g) Falsification of information (either oral or written)
- h) Violation of the Agency's Substance Abuse Policy
- i) In extreme cases, violation of the Harassment policy
- j) In cases involving expired legally required documents

In all cases, the decision to separate an employee will be at the Agency's sole discretion.

# **Conduct and Work Performance**

It is CareLink's intention to take a constructive approach to disciplinary matters and performance problems. When appropriate, we will attempt to counsel the employee or trainee in order to correct any disciplinary or performance problems. However, in certain circumstances, CareLink may find it necessary to impose immediate disciplinary action, up to and including termination without notice or prior counseling.

So that employees and trainees are aware of their responsibilities to CareLink and to their fellow employees the following list contains conduct which may result in disciplinary action up to and including termination:

- Any conduct contrary to CareLink employment opportunity policy, including verbal or physical conduct constituting sexual or other harassment;
- Dishonest or fraudulent conduct, including but not limited to fraud, theft, misappropriation of or unauthorized removal of CareLink funds or property;
- Falsification of an application for employment or documents submitted in consideration for employment;
- Falsification of CareLink client and business records, including but not limited to client Medicaid billings, employee time records, expense reports and requests for reimbursement;
- Insubordination, the refusal to comply with instructions, or the failure or refusal to perform assigned duties;
- Unsatisfactory job performance;
- Violation of the CareLink substance abuse policy;
- Failure to observe health and safety rules;
- Absenteeism or tardiness;
- Physical violence or threats of violence, or insulting, intimidating, coercive, abusive, or obscene language or gestures;
- Inability or unwillingness to cooperate with other employees or enrollees when performing assigned tasks, or any interference with the performance of job duties by fellow employees or enrollees;

- Disorderly conduct, such as "horseplay" or practical jokes, which may endanger CareLink operations or the well-being of any employee, enrollee, or visitor to CareLink;
- False, vicious, or malicious statements about CareLink, its employees, enrollees, clients, patients, or services provided such statements interfere with productivity or job performance; or, with public relations, employee relations, or enrollee relations;
- Abuse of any leave policy;
- Under no circumstances is a Caregiver allowed to perform services for a Medicaid or ARChoices client while that client is in a facility such as a hospital, rehabilitation or nursing home.
- Violation of policies regarding confidential information and conflicts of interest, unauthorized access to information which is not normally available to an employee or enrollee, or any conduct which is in conflict with the standards of appropriate business and professional ethics;
- Failure to adhere to the rules of operation and conduct established by CareLink, including but not limited to those policies and procedures set forth in this manual and any other written employment policies and departmental procedures;
- Any other practice, whether or not mentioned in this manual that may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of CareLink and its employees or enrollees and clients.

This list is not intended to exclude other acts which may form the basis for discipline nor create any contract for employment whether expressed or implied. CareLink will attempt to correct minor performance or disciplinary problems by bringing the problem to the employee's or enrollee's attention through verbal counseling.

When a verbal warning is not sufficient to bring about improvement in an employee's performance or the nature of conduct involved warrants more formal intervention, a written reprimand may be issued.

If the above steps do not result in significant and lasting improvement in an employee's job performance, the employee may be terminated. Some misconduct is so serious in nature as to warrant immediate termination and CareLink specifically reserves the right to skip any less serious disciplinary action.

Even for minor infractions, if an employee engages in a "Pattern of Misconduct", which is defined as three or more Employee Counseling Reports (ECRs) and/or suspensions he/she can be separated. The ECRs or suspension do not need to be related to the same unsatisfactory action or behavior. The termination would

not be based upon the infraction that resulted in the last ECR or suspension, but rather the accumulation of three or more written disciplines during the specified period of time.

In all cases, the decision to separate an employee will be at the Agency's sole discretion.

# On the Job

## **Caregiver Code of Conduct**

Caregivers are expected to conduct themselves professionally when in the customer's home or on the Agency's premises. Professionalism starts when a Caregiver provides a superior level of customer service. Caregivers should always: be courteous and friendly, take the time to understand the specific needs of the customer, tell the customer what they can do rather than saying no, treat the customer like they would want their own family member to be treated, and do what they say they will do.

Caregivers should always adhere to the following "Code of Conduct".

- The safety and well-being of the customer are the main concerns in all Caregiver actions and decisions.
- Caregivers are to maintain the highest level of honesty and integrity in all dealings with customers and the Agency.
- Caregivers are to provide a quality service in a conscientious, competent, and customer-centered manner.
- Caregivers are to respect the customer and their property with confidentiality, security, kindness, and recognition of the customer's individuality.
- All Caregiver activities shall be carried out according to the Agency's policies and/or any applicable law with all actual or possible violations reported to the Agency immediately.
- Accepting gifts from clients, or solicitation of clients for anything of value including personal favors, is prohibited.

Being well groomed, having good hygiene, and being neat in appearance promotes a professional level of customer service. When deciding what to wear while in the customer's home, Caregivers should use good judgment. Caregivers should avoid wearing clothing that is unkempt, unclean, with holes, or frayed edges of any kind. Clothing that is suggestive in appearance is prohibited. Apparel with offensive language or designs is strictly prohibited. Due to safety considerations, house slippers, thong shoes, and flip-flops are prohibited.

# **Work Assignments**

Generally, the Services Coordinator will assign a Caregiver a customer or customers who live within five miles of the Caregiver's home address. As an employee of the Agency, a Caregiver may be required to accept an assignment or assignments as a condition of continuing employment. A Caregiver's continual refusal to accept assignments may result in the separation of her/his employment.

Occasionally, a Caregiver may not be able to continue to serve a specific customer. If necessary, a Caregiver may request to drop a customer. All requests to drop a customer must be made by calling (501) 688-0600.

When dropping a customer, the Caregiver must give the Service Coordinator minimum of two-week's notice before the customer is dropped. This allows for uninterrupted service to the customer. A Caregiver may not drop more than three customers in any twelve-month period under any circumstance.

## **Calling in to Report an Absence**

A Caregiver's failure to call-in to report an absence from work affects the level of service provided to our customers. The result is a loss of needed service to the customer and a loss of income to the Agency. Please remember that Caregivers must personally call-(501) 688-0600 when they are going to be absent - with 24-hours-notice preferred.

Failure to call-in to report an absence **at least one hour before** the start of your workday is considered a failure to report. If you are absent and fail to call-in three (3) times in a twelve (12) month period, it is grounds for termination. If you miss work or have a schedule change, you must call (501) 688-0600; or toll free (866) 688-0030. The after hour on-call number is (501) 891-3264.

**CareLink procedure is that a Caregiver that has not worked in 30 days and is not on an approved LOA will be terminated.**

## **Inclement Weather**

CareLink expects its employees to use sound judgment on determining if they should attempt to go to work during inclement weather. CareLink does not anticipate closing its facilities due to inclement weather. Under hazardous travel conditions, should it not be possible for a Caregiver to report to work as scheduled, notification should be made by calling Homecare at (501)688-0600 at least one hour prior to the beginning of the scheduled shift. Should road conditions improve, employees are expected to report to work for the balance of the day.

## **Mobile Phone Usage**

Because cell phones are so widely used, the following guidelines must be followed while in the customer's home. Please remember that we are in the customer's home to provide for their needs. If we are on the telephone, we cannot do this effectively. To properly do our jobs, we must give the customer and our assigned tasks our full attention. The guidelines are as follows:

- DO NOT take or make personal calls while logged in at a customer's home
- DO NOT engage in personal texting or messaging while in the customer's home
- Answer ONLY emergency personal calls, this should be a rare occurrence
- ANSWER calls or texts from CareLink, there may be important communications about your service visit with the customer
- Return personal calls/messages only **after** you have left your customer's home

If you must take a call or return a message in accordance with the guidance above, inform your customer and apologize for the interruption to their care. For example, "I'm sorry Ms. Jones but CareLink has called, and I need to speak with them for just a moment."

- Use of phones data capabilities should only be used for CareLink business, to include use of the "Generations App." (Electronic Visit Verification), do not watch videos, play games, or interact with social media while at the customer's home

Your adherence to these guidelines will help make our customers feel better cared for. It will also help you meet the high standards for customer service that we require of employees at CareLink. Failure to adhere to these guidelines may result in disciplinary action up to and including separation of employment.

Due to safety concerns, Caregivers are expected to refrain from using their cell phones for business or personal calls or texting or reviewing any data or streaming while driving from one customer's home to another or while in route to any CareLink facility. CareLink will hold the Caregiver solely responsible for all liabilities resulting from such actions.

## **Reporting on the Job Injuries**

Caregivers must report all injuries to their supervisor. If a Caregiver cannot contact their supervisor, she/he is to contact Human Resources at (501) 688-7484. Employees are required to receive medical treatment for an on-the-job injury at designated medical treatment facilities. Emergency treatment is exempt from this requirement. However, after emergency treatment, the employee must go to a designated clinic.

The following is a list of the CareLink Designated Medical Treatment Facilities for Work Related Injuries:

**Faulkner County:**

ARCare  
1500 N Museum Rd, # 104  
Conway, AR 72032  
(501) 932-9010

**Prairie County:**

Des Arc Health Systems  
405 Hwy 11 North  
Des Arc, AR 72040  
(870) 256-4178

**Pulaski County:**

Baptist Medical Center  
9601 Lile Drive, I-630 Exit 7  
Little Rock, AR 72205  
**(Emergency Only)**

**Faulkner County:**

Conway Regional Med. Ctr.  
2032 College Avenue  
Conway, AR 72032  
**(Emergency Only)**

**Prairie County:**

Hazen Medical Clinic  
24 Eat Front Street  
Hazen, AR 72064  
(870) 255-3696

**Pulaski County:**

Baptist Memorial Med. Ctr.  
3333 Springhill Road  
North Little Rock, AR 72117  
**(Emergency Only)**

**Lonoke County:**

Concentra Med Centers  
3470 Landers Road  
North Little Rock, AR 72117  
(501) 945-0661

**Prairie County:**

Stuttgart Regional Med. Ctr.  
North Buerkle Road  
Stuttgart, AR 72160  
**(Emergency Only)**

**Pulaski County:**

Concentra Southwest  
10101 Mabelvale Plaza Dr #4  
Little Rock, AR 72209  
(501) 568-7868

**Lonoke County:**

Baptist Memorial Med. Ctr.  
3333 Springhill Road  
North Little Rock, AR 72117  
**(Emergency Only)**

**Pulaski County:**

Concentra North  
3470 Landers Road  
North Little Rock, AR 72117  
(501) 945-0661

**Saline County:**

Concentra Medical Ctr.  
10101 Mabelvale Plaza Dr #3  
Little Rock, AR 72209  
(501) 568-7868

**Monroe County:**

Mid-Delta Health System  
245 Madison St.  
Clarendon, AR 72029  
(870) 747-3381

**Saline Memorial**

#1 Medical Park Dr  
Benton, AR 72015  
**(Emergency Only)**

**Monroe County:**

Stuttgart Regional Med. Ctr.  
North Buerkle Road  
Stuttgart, AR 72160  
**(Emergency Only)**

An employee who is injured on the job and may be eligible for workman's compensation must furnish a certificate from the attending physician releasing the employee to return to work regardless of the time away from the job.

Whenever an employee presents a return-to-work statement from the doctor which contains restrictions, the supervisor must contact Human Resources who will coordinate placement on a transitional job if applicable. Following any on-the-job injury resulting in medical treatment, a drug and alcohol test will be administered.

## **In-Service/Continuing Education Requirement**

Annual continuing education credits are a State of Arkansas requirement that must be completed for a Caregiver to maintain their Personal Care Attendant certification. Caregivers are required to have 12 hours of in-service training per year (every 12 months). As a service to you, CareLink offers in-service and on-line trainings to assist you in completing this state requirement. Failure by a Caregiver to maintain their certification will require the employee to be suspended until the certification is brought up to date. Continued failure to bring certification into compliance will result in termination. Caregivers serving PACE customers are required by the Federal Centers for Medicare and Medicaid to have an additional 4 hours annually of continuing education for a total of 16 hours.

## **Infection Control and Hand Hygiene**

Universal precautions will be observed by Caregivers in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious material will be considered infectious for HIV, HBV, and other blood borne diseases regardless of the perceived status of the source individual.

When providing customer services, Caregivers are to wear Agency provided disposable medical examination gloves. Caregivers are to wash their hands with soap, running water, and friction prior to customer contact, immediately following customer contact, between customers, and after removing gloves. Caregivers must always wash their hands immediately after contact with blood or any bodily fluid to which universal precautions apply. Gloves are to be properly disposed of after use and may not be reused.

Artificial nails and long natural nails harbor microorganisms to a greater extent than short natural nails, even after hand washing. In addition, long nails can tear gloves more easily, cause potential customer injury, and they require additional time to properly wash. In fact, artificial or long nails may prevent effective hand washing. Caregivers must adhere to the following hand hygiene standards:

- Nails are to be kept short (cannot extend past the tip of the finger) and clean.
- Nail polish may be worn if well-manicured; chipped polish must be removed.
- Artificial nails or artificial nail products (tips, jewelry, overlays, wraps, etc.) may not be worn.

# **Hepatitis B Vaccination**

Caregivers are offered the Hepatitis B vaccine at no cost to the employee. The vaccine will be offered within 10 working days of their initial assignment to work involving the potential for occupational exposure to blood or other potentially infectious materials unless the employee has previously had the vaccine or who wishes to submit to antibody testing which shows the employee to have sufficient immunity. Employees who decline the Hepatitis B vaccine must sign a waiver. Employees who initially decline the vaccine but who later wish to have it may then have the vaccine provided at no cost. Caregivers may contact their supervisor or Human Resources for details.

## **Confidentiality**

The Health Information Portability & Accountability Act of 1996 (HIPAA) is a federal statute, which provides protection or a "Standard of Privacy for Individually Identifiable Health Information.

The privacy provision of HIPAA concerns itself with a person's Protected Health Information. Protected Health Information may be any information related to a client's past, present, or future physical or mental health condition. The information may be in any form including electronic, paper, or spoken. It includes the information in the client's medical records, billing records, and any formal or informal discussion of the client's medical condition.

Caregivers must assure confidentiality by:

1. Not discussing client information with anyone other than their supervisor
2. Never posting client information including pictures on social media sites or personal e-mail accounts
3. Making sure that client health information is protected at all times
4. Not leaving service plans or billing forms where others can see them that includes at home or in their car
5. Assuring telephone conversations concerning their clients are held in a private location
6. Being aware that any time they are discussing client information with anyone other than their supervisor that they may be in violation of HIPAA compliance.

# **Benefits and Compensation**

## **Pay Rate**

The starting rate of pay for Caregivers is \$11.00 per hour. Exemplary Caregivers may be offered the opportunity to become Caregivers for PACE and/or Private Pay customers, which includes increases in pay up to \$13.00 per hour.

## **Pay**

Caregivers are required to confirm arrival and departure at a customer's residence and document tasks completed during the visit through an Electronic Visit Verification (EVV) system provided by CareLink through the Generations software system. This will require use of a personal smart phone with GPS enabled and a data plan utilizing either IOS (Apple) or Android technology. The application (app) is available free from the respective app stores.

This is a highly efficient method to verify your work time, ensure prompt payroll data and eliminate paper documentation. There are lots of benefits to using an EVV system, however, it is also now required by the Federal and State Governments for all home care providers billing Medicaid or grant funding. Paper forms of any type may not be accepted, you must use EVV.

The Generations software system is used to capture payroll and billing information electronically through customer's telephone or through the Generations App.

It is required that Caregivers use the Generations digital ap on their own personal smart phone, provided free of charge to Caregivers, that utilizes GPS technology on their personal smart phone or computer pad with a data plan to clock-in, clock-out, input tasks performed, capture the Caregiver and Customer signature attesting that the work was completed.

Alternatively, but not recommended to clock-in and clock-out, the Caregiver calls the Telephony number, 1-866-645-3905 using the customer's telephone. The customer's name, Caregiver's name, and date and time of arrival are recorded when the Caregiver calls. When leaving a customer's home, the Caregiver again uses the customer's telephone to call the Telephony number. The customer's name, Caregiver's name, and completion time are recorded. In addition, the Caregiver enters the tasks (or services) provided to the customer by entering task codes into the system. **It is important to note that the system uses technology that is tied to the customer's telephone to properly**

**record hours. As a result, Caregivers may not use their personal mobile phone to call the number.**

Caregivers must call (501) 688-0600 for assistance when experiencing issues clocking-in and clocking-out with the Generations Ap on their personal phones or computer pads.

Caregivers must call (501) 688-0600 if they are not going to report to their shift according to the scheduled time. It is never acceptable to not call or not show up for work without informing your Services Coordinator.

When Caregivers are not able to use the Telephony/Ap System, a missed punch must be completed. To complete a missed punch, Caregivers must call (501) 688-0600 for assistance. Time that is not automatically confirmed through the normal clock-in and clock-out process is tracked as an exception for additional audits. Missed punches must be signed by both the customer and the Caregiver in order to be confirmed. All missed punches for the work week must be signed by the customer and Caregiver and confirmed no later than Monday at 4:30 pm of pay week. **Paper billing forms are not allowed.**

**Warning** Falsification of time for start/stop or duration of service delivery, service delivery location, tasks performed, or person performing the tasks will result in immediate termination, could lead to criminal charges, and exclude you from working for any Medicaid service recipient in Arkansas.

CareLink's workweek extends from Sunday through the following Saturday. A pay period is one workweek. CareLink does not issue paper payroll checks. Direct Deposit is recommended for everyone. However, for those who prefer not to have Direct Deposit a debit card paycheck is available. Caregivers' paychecks are deposited every Friday for the previously submitted week's work.

## **Referral Bonus**

All active Caregivers are eligible to receive a \$50 bonus for referring a Caregiver applicant that is hired and starts her/his first assignment. The \$50 Referral Bonus will be paid to the referring employee the first pay period following the new Caregiver's first day worked.

## **Holidays**

CareLink In-Home Home Care services are provided seven days per week and many care recipients require service regardless of holiday observance. As a result, Caregivers may be required to work during recognized holidays. Caregivers are approved for the following paid holidays:

New Years' Day

July 4<sup>th</sup>

Thanksgiving Day

Memorial Day

Labor Day

Christmas Day

Pay for the holidays is dependent on the number of hours worked during the previous 12 weeks prior to the holiday. Caregivers averaging 32 or more hours per week will receive 7.5 hours of holiday pay. Caregivers averaging 20-31 hours will get 3.75 hours of holiday pay.

Caregivers who elect not to work on holidays must report their absence in advance by calling (501) 688-0600. Caregivers who do not call-in or do not report to work on holidays will be counseled for no call, no show.

## **Other Benefits**

### **Credit Union**

All CareLink employees may participate in the Arkansas Federal Credit Union. Caregivers interested in joining the credit union should contact a Human Resources representative.

### **CareLink 401(k) Retirement Plan**

Caregivers are eligible to participant in the Agency's 401(k) Plan after one year of service. Entry dates are January and July. Eligible employees may choose to contribute any percent of their annual income (in whole percentages) up to a maximum of \$20,500. Employees 50 years old or older may choose to contribute an additional "catch-up contribution" up to a maximum of \$6,500. The Agency match for employee contributions will be decided annually by the Board of Directors. If match is provided, employees must be employed on the last day of the year to receive the Agency match.

Employees are 100 percent vested in their personal contributions to the plan.

### **Group Insurance Benefits**

Caregivers who work an average of 30 or more hours per week are eligible to participant in the Agency's caregiver life insurance benefits effective the first day of the month following sixty days of employment. After sixty days of

employment, the Agency provides Caregivers who work average of 30 or more hours per week with \$15,000 of term life and AD&D insurance coverage (at no cost to the employee).

If a Caregiver is not eligible after her/his first sixty days of service, she/he may become eligible during the Agency's next annual open enrollment period in April for Caregiver benefits.

During the annual open enroll period, Human Resources will review each Caregiver's hours worked for the previous 12 months or for a prorated period of time for Caregivers with less than 1 year of service. Caregiver must work an average of 30 or more hours per week to remain or become eligible.

Caregivers who work an average of 30 or more hours per week are eligible to participant in the Agency's health insurance benefits effective the first day of the month following 12-months of employment. If a Caregiver is not eligible after her/his first eligibility period, she/he may become eligible during the Agency's next annual health insurance open enrollment period in April. A Caregiver may become ineligible for health benefits after 12-months of receiving benefits if the average hours worked falls below 30.

When an employee is on an approved Medical or Personal Leave, CareLink will continue to maintain the employee's health and life insurance benefits. During the leave period the employee will be responsible for maintaining payments on the employee's portion of the premium. The payment is due at the same time as it would have been otherwise made by payroll deduction. If the premium payment is more than thirty days late, health and life insurance benefit coverage will be terminated. The employee will be offered continuation coverage under COBRA. If an employee cannot return to work because of a serious health condition or other circumstances beyond his or her control, when an employee elects not to return to work at the end of the Leave of Absence, the employee will be asked to reimburse CareLink for any premiums paid by the Agency during an unpaid period of absence. Under any circumstance, the employee will be offered continuation coverage under COBRA.

## **Leave of Absence Policy**

A leave of absence is an excused period of absence from work and shall be without pay. Factors which may be considered in approving a leave of absence include, but are not limited to, operational requirements, the employee's performance and attendance record, length of service, and the reason for the leave. Any Caregiver absence of more than three scheduled workdays must be approved under the Leave of Absence policy.

During their first six months of employment, Caregivers may request one unpaid

Personal Leave of Absence not to exceed a total of 5 days due to a personal illness, to care for the employee's spouse, child, or parent who has a serious health condition, or as bereavement time off due to the death of an immediate family member. An immediate family member is defined as an employee's spouse, parent or stepparent, spouse's parent or stepparent, child or stepchild, brother or sister, son-in-law, or daughter-in-law. The time off must request and approved through the Human Resources Department.

Caregivers leave of absences will be subject to the following guidelines:

- A. The Caregiver must have been an employee of CareLink for at least 6 months.
- B. The reason for the leave is not covered by Family and Medical Leave and/or the employee is not eligible for Family and Medical Leave. The leave may not be taken in place of or to extend Family and Medical Leave.
- C. The request must be made in writing, stating a date of return, and must be submitted to the Human Resources Department in advance of the absence.
- D. Employees who do not return on the specified date may be automatically dismissed unless a written extension has been granted.
- E. The employee must make monthly payments for any voluntary health benefits or coverage in effect during the leave, if applicable.
- F. CareLink does not guarantee that the Caregiver will be returned to the same client, schedule, number of hours, or rate of pay.
- G. Under no circumstance will a leave of absence exceed 90 days unless the Leave of Absence falls under another exception to this policy such as ADA.

## **Family and Medical Leave**

CareLink employees are eligible to take up to twelve (12) weeks of unpaid family or medical leave within any rolling twelve-month period, measured backward from the date an employee uses any leave under this policy. To be eligible for family and medical leave the employee must be employed by CareLink for at least twelve (12) months and for at least 1,250 hours during the twelve months before leave is requested.

Employees may take family or medical leave for any of the following reasons: (1) the birth of a son or daughter and in order to care for such son or daughter; (2) the placement of a son or daughter with the employee for foster care or adoption; (3) to care for a spouse, son, daughter, or parent with a serious health condition; or (4) because of the employee's own serious health condition which

renders the employee unable to perform the functions of her/his position.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Leave because of reasons (1) or (2) must be completed within the twelve-month period beginning on the date of birth or placement. In addition, spouses employed by CareLink who request leave because of reasons (1) or (2), or to care for an ill parent, may only take a combined total of twelve weeks leave during any twelve-month period. Once the reason for a family or medical leave ends (e.g., a serious health condition no longer exists), an employee is no longer eligible for leave under this policy and is expected to promptly return to work.

If the need for family or medical leave is foreseeable, the employee must give the supervisor 30 days prior notice, and if the 30 days prior notice is not possible, the employee must give notice as soon as practical (within 1 to 2 business days of learning of the need for leave.) Failure to provide such notice may be grounds for delay of leave. When the leave is not foreseeable, the employee is expected to notify the supervisor within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. Requests for leave must be made on a form available from Human Resources or her/his supervisor. The request should state the reason for the requested leave, the anticipated duration of the leave and the anticipated start of the leave.

If requesting leave because of his or her own or a covered relative's serious health condition, an employee must provide medical certification. A medical certification form may be obtained from the Human Resources Department. When an employee requests leave, CareLink will notify the employee of the requirement for medical certification, which will be due at least 16 days after the request for leave. Failure to provide the requested medical certification in a timely manner may result in denial of leave until it is provided. CareLink may require, at its own expense, an examination of the employee by a second health care provider if CareLink doubts the validity of the initial medical certification. If the second health care provider's opinion conflicts with the initial medical certification, CareLink may require, at its own expense, a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. CareLink may require subsequent medical re-certifications on a reasonable basis, which shall be no more often than every 30 days.

If an employee takes leave because of his or her own serious health condition or to care for a covered relative, the employee must contact the supervisor at least every two weeks to inform of the status or intent to return to work. The employee should notify the supervisor of the intent to return to work at least 5 days before the expiration of the period of leave or recovery from the serious health condition, or if the employee will not be able to return to work on the specified date of return.

Family Medical leave is unpaid; other benefits, such as worker's compensation, or vacation, may under certain circumstances provide some amount of pay during the leave. If an employee takes Family Medical leave, any accrued paid leave will first be substituted for any unpaid medical leave. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period.

During a family or medical leave, CareLink will maintain the employee's health benefits as if active employment continued. If paid leave is substituted for unpaid Family Medical leave, CareLink will deduct the dependent's portion of the health plan premium as a regular payroll deduction. If the leave is unpaid, the employee must pay that portion of the premium at the same time as it would be paid if made by payroll deduction. Health care coverage will cease if the premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, he or she will be required to reimburse CareLink for premiums paid while the employee is on unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond his or her control.

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which leave commenced. However, the employee will not accrue sick or annual leave during any continual period of unpaid leave.

If an employee takes leave because of his or her own serious health condition, the employee is required to provide medical certification that the employee is able to resume work. Employees may obtain medical certification forms from the Human Resources Department. Employees failing to provide the medical certification form will not be permitted to return to work until the certification is provided.

In general, an employee who returns from an authorized period of leave will be restored to the same or equivalent position held by the employee when the leave began. Such position will be equivalent in pay, benefits and other terms and conditions of employment.

Leave may not be provided or the employee may not be reinstated if (1) the employee advises CareLink that he or she will not return to work, in which case the employment relationship is deemed terminated and the employee's entitlement to reinstatement, continued leave and other health benefits ceases;

(2) the employee fraudulently obtains leave, in which case CareLink will not restore the employee's job or maintain health benefits; or (3) the employee accepts other employment while on leave, in which case the employee will not be entitled to benefits under this policy and employment may be terminated.

Women affected by pregnancy, childbirth or related conditions shall be entitled to a leave of absence on the same basis as employees affected by other medical conditions. Please see FMLA Employee Rights Notice on the next page:

# EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

## LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;\* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

\*Special "hours of service" requirements apply to airline flight crew employees.

## BENEFITS & PROTECTIONS

## ELIGIBILITY REQUIREMENTS

## REQUESTING LEAVE

## EMPLOYER RESPONSIBILITIES

## ENFORCEMENT

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:

**1-866-4-USWAGE**

(1-866-487-9243) TTY: 1-877-889-5627



**www.dol.gov/whd**



U.S. Department of Labor | Wage and Hour Division

**WHD**  
WAGE AND HOUR DIVISION

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# **Receipt of Guidebook Acknowledgement**

I acknowledge that I have received and read a copy of the CareLink Caregiver Guidebook and understand how the policies will apply to me. This Guidebook replaces and supersedes all previous guidebooks.

Please Print Full Name: \_\_\_\_\_

Caregiver Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Note: A signed copy of this Acknowledgement Form is to be filed in the Caregivers personnel file.