



WE MAKE HOME CARE WORK FOR YOU

## **A Promise to Our Caregivers**

**At Family Home Care our Caregivers are the most important resource in our service commitment to our Clients. Based on the application of trust, honesty, respect, integrity and commitment, we are a service driven organization with team members who are qualified to address the needs of our Clients.**

**It is Family Home Care's desire to foster a work environment that promotes opportunity for each and every Caregiver to achieve her or his highest potential. We are committed to providing the training, education and guidance required for all Caregivers to achieve excellence in home care.**

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## **Section 1 - Welcome to Family Home Care, Inc. (FHC)**

### **1.1. Overview**

The following pages contain information regarding many policies and procedures of Family Home Care, Inc. These policies are a condition of employment.

If you have questions or need assistance reviewing this document please contact your Supervisor (480) 644-0084.

Regular office hours are:

Monday - Friday: 8:30 a.m. to 4:30 p.m. (Staff is available 24/7 via phone call)

Saturday: Office Closed (Staff is available 24/7 via phone call)

Sunday: Office Closed (Staff is available 24/7 via phone call)

For non-emergency questions, please call during regular office hours.

A Care Manager is available via the telephone on weekends, before and after regular office hours.

**Main office telephone number:  
(480) 644-0084  
For life threatening emergencies call: 911**

### **1.2. Purpose of this Handbook**

This handbook has been prepared to inform new Caregivers of the policies and procedures of this company and to establish the company's expectations. It is not all inclusive or intended to provide strict interpretations of our policies; rather, it offers an overview of the work environment. This handbook is not a contract, expressed or implied, guarantying employment for any length of time and is not intended to induce a Caregiver to accept employment with the company.

The company reserves the right to unilaterally revise, suspend, revoke, terminate or change any of its policies, in whole or in part, whether described within this handbook or elsewhere, in its sole discretion. If any discrepancy between this handbook and current company policy arises, conform to current company policy. Every effort will be made to keep you informed of the company's policies; however, we cannot guarantee that notice of revisions will be provided. Feel free to ask questions about any of the information within this handbook.

This Caregiver Handbook has been prepared to help you understand the general organization of FHC and its rules, policies, benefits and the obligations that come with being a Caregiver of FHC. This Caregiver Handbook supersedes previous Caregiver Handbooks.

An attempt has been made to anticipate and answer questions that you may have. However, this booklet should not be construed as a definitive document. It is not an expressed or implied contract.

Should you have any questions pertaining to information in this Caregiver Handbook, please direct them to your Supervisor or the Human Resource Department. In addition, the Human Resource Department would welcome any suggestions you may have to improve this booklet.

### **1.3. At-Will Employment**

Employment with the Company is on an at-will basis, unless otherwise specified in a written employment agreement. You are free to resign at any time, for any reason, with or without notice. Similarly, the Company is free to conclude the employment relationship at any time for any lawful reason, with or without cause, and with or without notice.

Nothing in this Handbook will limit the right of either party to terminate an at-will employment. No section of this Handbook is meant to be construed, nor should be construed, as establishing anything other than an employment-at-will relationship. This Handbook does not limit management's discretion to make personnel decisions such as reassignment, change of wages and benefits, demotion, etc. No person other than the CEO, President, or CFO has the authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment other than at-will terms. Only the CEO, President, or CFO of the Company has the authority to make any such agreement, which is only binding if it is in writing and signed by the President of the Company.

## **Section 2 – Customer Relations**

### **2.1. Code of Conduct**

Caregivers of FHC are to conduct themselves in a responsible, professional and ethical manner. Report unethical or dishonest behavior to your immediate Supervisor.

### **2.2. Courtesy, Dignity and Respect**

It all begins with courtesy — the way we approach our Clients, their families, other medical professionals and our fellow team members. Our every interaction with those we come in contact with allows us the opportunity to show the public and our Clients our dedication to customer service. Whether we are visiting a referral source, a Client in their home, talking with them on the phone, or providing our care services, we strive to treat everyone with courtesy, dignity and respect. We should treat everyone with the highest standards of professionalism and courtesy, even when an individual does not reciprocate.

### **2.3. FHC's Motto**

*"We Make Home Care Work for You!"*

Our motto exemplifies an ongoing dedication to the thoughtful care services provided by all Staff members. It reminds us to think on our feet, to eliminate the saying "No" from our professional vocabulary, and to rise to the task and exceed our Client's expectations.

## **Section 3 – Workplace Commitments**

### **3.1. Americans with Disabilities Act of 1990 (ADA)**

ADA makes it unlawful to discriminate in employment against a qualified individual with a disability in all employment practices. If you have a disability and are qualified to do a job, the ADA protects you from job discrimination on the basis of your disability. Under the ADA, you have a disability if you have a physical or mental impairment that substantially limits a major life activity. The ADA also protects you if you have a history of such a disability, or if FHC believes that you have such a disability, even if you don't.

To be protected under the ADA, you must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working.

If you have a disability, you must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things. First, you must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, you must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that you must be able to perform on your own or with the help of a reasonable accommodation. An employer cannot refuse to hire you because your disability prevents you from performing duties that are not essential to the job.

If you feel you have been discriminated against in any way you are encouraged to express concern through this open-door policy.



### **3.2. California Elder and Dependent Adult Abuse Reporting**

California State Law requires “care custodians” to report abuse of elders and dependent adults. FHC considers its Caregivers and Staff Members to be care custodians. State law defines an “Elder” as any person 65 years of age or older. “Dependent Adult” means any person who is between the ages of 18 and 64, who has physical or mental limitations that restrict her or his ability to carry out normal activities, or to protect her or his rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. “Dependent Adult” also includes any person between the ages of 18 and 64 who is an inpatient of a 24-hour health facility.

The law specifies FHC Caregivers must report abuse under the following circumstances:

- When you have observed an incident that reasonably appears to be physical abuse, abandonment, isolation, financial abuse or neglect.
- When you reasonably suspect abuse.
- When an elder or dependent adult tells you that she or he has experienced behavior containing physical abuse, abandonment, isolation, financial abuse, or neglect.

The report must immediately, or as soon as possible, be made in person or telephoned to a FHC Staff Member. That Staff Member will complete a FHC Incident Report Form, based on the information given to the Staff Member. FHC will then immediately telephone the following:

- The County Adult Protective Services Agency or a local law enforcement agency within the geographic area the alleged abuse occurred when the alleged abuse occurred to either an
- Elder or Dependent Adult living independently in the community.
- The Long-Term Care Ombudsman Coordinator or to a local law enforcement agency within the geographic area the alleged abuse occurred when the abuse was alleged to have occurred in a long-term care facility.

A written report must follow the telephone report within two working days. The appropriate written report to be completed is the Report of Suspected Dependent Adult/Elder Abuse.

Failure to report physical abuse, abandonment, abduction, financial abuse or neglect of an elder or dependent adult is a misdemeanor, punishable by not more than six months in the county jail or by a fine of not more than \$1,000, or both fine and imprisonment. Any person mandated to report physical abuse, abandonment, abduction, financial abuse or neglect of an elder or dependent adult and willfully does not, in violation of the law, where that abuse results in death or great bodily injury, is punishable by not more than one year in the county jail or by a fine of not more than \$5,000, or both fine and imprisonment.

### **3.3. Complaint Resolution Process**

Anyone who has a complaint concerning FHC or its Caregivers, Supervisors, co-workers, or Member/Clients, is urged to bring the matter to the attention of an FHC Staff Member so the matter can be investigated and the problem promptly dealt with. FHC will investigate all complaints and will endeavor to handle these matters expeditiously and in a professional manner.

In the event the complainant does not believe her/his complaint was appropriately dealt with, FHC encourages the complainant to contact a Corporate Manager to seek resolution of the complaint. The complainant should call the FHC corporate office at 480-644-0084 and ask to speak to a Corporate Manager regarding a complaint. Should

Corporate Management not be immediately available to respond; the complainant should leave her/his name, the telephone number, and the best time to receive a return call. If you are unable to immediately speak to a Corporate Manager, FHC will make every effort to return your call within 24 hours to resolve the matter.

### **3.4. Equal Opportunity Employment**

We are an Equal Employment Opportunity employer. In order to provide equal opportunities to all individuals, employment decisions are based on merit, qualifications, skills and performance.

We have a strict policy against discrimination, harassment and retaliation of any type and our goal is to provide a work environment free from discrimination, harassment, and retaliation as well as other disrespectful or other unprofessional conduct based on any protected class: race (including natural hairstyles), color, religion (including religious dress and grooming practices), national origin, age (40 and over), medical condition, physical or mental disability, marital status, sex (including sexual harassment, sex stereotypes and pregnancy, childbirth and related medical conditions), sexual orientation, ancestry, genetic information/ characteristics, gender, gender identity, gender expression, transgender, military or veteran status, or any other characteristic or activity protected by law.

### **3.5. Drug-Free Workplace Policy**

FHC has a long-standing commitment to maintain the highest standards possible for the health and safety of its Caregivers, Clients, and the public at large. The purpose of FHC's Drug-Free Workplace Policy is to maintain the highest safety, health, and work performance standards possible, and to reduce work-related accidents, injuries, and damage which may be caused by drug or alcohol use or impairment. FHC's Drug-Free Policy is also intended to ensure the maintenance of productivity, the quality of products and services, and the security of property. Testing may be conducted under the following circumstances: pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, return-to-duty testing, and/or follow-up testing.

While we recognize your right to your own lifestyle, we will not accept the risk that on-the-job or off-the-job alcohol or drug abuse by you may cause or contribute to accidents or other job performance problems.

Furthermore, the use or being under the influence of alcohol or of any legally obtained drugs, including marijuana, by you while performing Company business or while in our facility is prohibited.

Recreational Marijuana - Cannabidiol (CBD) products are not regulated by the FDA and they have no meaningful guarantee of what's in the supplement. In other words, if you use CBD products you need to know you are using them at their own risk – if THC turns out to be present, you will violate this policy.

It is FHC's Drug-Free Workplace Policy that a positive test result (or a refusal to undergo testing) also may result in disciplinary action by FHC, up to and including dismissal from employment. All Caregivers are required to sign an acknowledgment, indicating that they have read, understood, and will comply with the Drug-Free Workplace Policy.

### **3.6. Genetic Information Non-Disclosure Act (GINA)**

GINA became effective on November 21, 2009. This made illegal discrimination against Caregivers on the basis of genetic information. FHC prohibits its Caregivers from discriminating against Caregivers and applicants because of their genetic information, and also requires confidentiality for any genetic information received by FHC. Moreover, FHC prohibits its Caregivers from requesting or acquiring a Caregiver's or a Caregiver's family member's genetic information.

Caregivers who engage in unlawful discrimination, harassment, or retaliation will be subject to disciplinary action up to and including dismissal of employment. If you feel you have been unlawfully discriminated against, you

should notify your Supervisor or a member of the Human Resources Team.

FHC has always sought, and will continue to seek in all of its operations, to employ individuals for available positions on the basis of qualifications and ability alone in relation to the valid requirements of the available position. FHC's goal is to foster a work environment that values: quality, respect, diversity, integrity, openness, communication, and accountability.

### **3.7. Discrimination, Harassment and Retaliation Free Workplace**

We are an Equal Employment Opportunity employer. In order to provide equal opportunities to all individuals, employment decisions are based on merit, qualifications, skills and performance.

We have a strict policy against discrimination, harassment and retaliation of any type and our goal is to provide a work environment free from discrimination, harassment, and retaliation as well as other disrespectful or other unprofessional conduct based on any protected class: race (including natural hairstyles), color, religion (including religious dress and grooming practices), national origin, age (40 and over), medical condition, physical or mental disability, marital status, sex (including sexual harassment, sex stereotypes and pregnancy, childbirth and related medical conditions), sexual orientation, ancestry, genetic information/ characteristics, gender, gender identity, gender expression, transgender, military or veteran status, or any other characteristic or activity protected by law.

In addition, FHC prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

All such conduct violates FHC's policy.

#### **1. Harassment Prevention**

FHC's policy prohibiting harassment applies to all persons involved in the operation of FHC. FHC prohibits harassment, disrespectful or unprofessional conduct by any Caregiver of FHC, including supervisors, managers and co-workers. FHC's policy prohibiting harassment also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other third-party persons with whom you come in to contact while working.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts or messages;
- Continuing to express sexual interest in a person after being informed that the interest is unwelcomed;
- Visual displays such as derogatory and/or sexually-oriented posters, leering, photography, cartoons, posters, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
- Threats and/or demands to submit to sexual requests or sexual advances as a condition of continued employment or to avoid some other loss and/or offers of employment benefits in return for sexual favors;

- Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to sexual advances. For example, either implying or actually withholding support for an appointment, promotion, change in assignment, or suggesting that a poor performance report will be given;
- Offering favors of employment benefits, such as promotions or favorable performance evaluations, preferential duty or shift assignments, recommendations, reclassifications, etc., in exchange for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by FHC policy.
- Posting, passing around or displaying sexually suggestive or obscene objects, printed materials text messages, or online or social media content.

Additionally, abusive conduct, defined as any conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests is not tolerated.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward a Caregiver because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

## **2. Non-Discrimination**

FHC is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in FHC's operations. FHC prohibits unlawful discrimination against any job applicant, Caregiver, volunteer or unpaid intern by any Caregiver of FHC, including Supervisors and coworkers.

## **3. Pay Discrimination**

Pay discrimination between Caregivers of the opposite sex performing substantially similar work, as defined by federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Caregivers will not be retaliated against for inquiring about or discussing wages. However, FHC is not obligated to disclose the wages of other Caregivers.

## **4. Anti-Retaliation**

FHC will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, Caregivers or co-workers.

## **5. Reasonable Accommodation**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, FHC will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or a Caregiver unless undue hardship would result.

Any job applicant or Caregiver who requires an accommodation in order to perform the essential functions of the job should contact an FHC representative with day-to-day personnel responsibilities and discuss the need for an accommodation. FHC will engage in an interactive process with the Caregiver to identify possible accommodations, if any, that will help the applicant or Caregiver, perform the job. An applicant, Caregiver or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and/or grooming practices, such as religious clothing or hairstyles) should also contact an FHC representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, FHC will make the accommodation.

FHC will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, Caregivers or coworkers.

## **6. Complaint Process**

If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, we encourage you to bring your complaint to a member of the Human Resources Department and it will be handled confidentially to the maximum extent possible. The Human Resources Department has full responsibility to receive, investigate and resolve complaints involving violations of the policies stated herein, and to recommend to management the imposition of appropriate sanctions against violators.

FHC Human Resources Department:

Phone: 805-458-0002

Fax: 866-480-9809

FHC will maintain confidentiality to the extent possible; however, FHC cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

When FHC receives allegations of misconduct in violation of this policy, it will immediately have qualified personnel undertake an impartial, timely, thorough and objective investigation that provides all parties with appropriate due process of the allegations in accordance with all legal requirements. FHC will provide appropriate documentation and tracking for reasonable progress in the investigation process of all complaints. FHC will reach reasonable conclusions based on the evidence collected.

FHC encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved. It would be best to communicate your complaint in writing; however, this is not mandatory. Direct oral communication of a complaint is also acceptable. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the Human Resources Department or the President. Please provide all known details of the incident(s), name(s) of the individual(s) involved and name(s) of any witness(es).

In the event that a member of FHC's Human Resources Department is claimed to have engaged in any conduct that might constitute prohibited workplace harassment, the internal complaint should be directed to a Branch Manager or the President and the accused will be excluded from participation in the investigation and handling of the matter.

An individual also may choose to report the complaint to her/his Supervisor or any member of management. (Note that a Supervisor who has not had special training in dealing with sexual harassment allegations is

strongly encouraged to consult a trained member of Human Resources before taking action.) If the Supervisor successfully resolves the complaint in an informal manner to the complaints' satisfaction, the Supervisor must file a confidential report to Human Resources about the complaint and resolution. FHC's management must be aware of any pattern of harassment by a particular individual and of all complaints of sexual harassment on a company-wide basis. If the Supervisor does not successfully resolve the complaint in an informal manner, a written report must be made to Human Resources within one workday.

It is no defense to a claim of sexual harassment that the alleged harasser did not intend to harass.

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to the Human Resources Department of FHC so FHC can try to resolve the complaint.

You may also bring your complaint to the federal or state agency that investigates or prosecutes complaints. A complaint of discrimination, harassment or retaliation may be filed within three years of the harassment, discrimination or retaliation with the California Department of Fair Employment and Housing ("DFEH"). The DFEH initially serves as a neutral fact-finder and attempts to help the parties voluntarily resolve the complaint. The DFEH can be contacted at (800) 884-1684; or for the hard of hearing, (TTY) (800) 700-2320; or visit the department's website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov). A complaint of discrimination, harassment, or retaliation, also may be filed within 300 days of the harassment, with the Equal Employment Opportunity Commission (EEOC), reached by calling (800) 669-4000 or for the hard of hearing, (800) 669-6820. EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov).

If FHC determines that harassment, discrimination, retaliation or other prohibited conduct has occurred; appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. FHC also will take appropriate action to deter future misconduct.

Any Caregiver determined by FHC to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Caregivers should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, promotion/demotion, discipline, transfers, layoffs, dismissal, rates of pay, benefits and selection for training.

FHC will also establish bi-annual training sessions on handling sexual harassment complaints for all Supervisors and managers, and conduct separate training at the time of hire for subordinate Caregivers concerning their rights under Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (as applicable). This policy statement shall be distributed to all management and Caregivers and will be posted in areas where all Caregivers will have the opportunity to freely review it.

In accordance with the California Department of Fair Employment and Housing requirements, a copy of an informational pamphlet and "Discrimination/Harassment Poster" will be posted in all offices.

### **3.8. Open Door Policy**

It is our objective to provide a work environment free from elements that would deter you from doing your best work. All concerns may be expressed through our open-door policy. Management at FHC maintains this open-door policy to discuss any issues you may have. Feel free to express yourself about work related or personal matters. We welcome your ideas.



## Section 4 – Employment with FHC

### 4.1. Employee Classifications

The following terms are used to describe employees and their employment status:

- **Exempt Employees** - Employees whose positions meet specific tests established by the Federal Labor Standards Act ("FLSA") and California State law. In general, exempt employees are those engaged in executive, managerial, high level administrative and professional jobs who paid a fixed salary and perform certain duties. Exempt employees are not subject to minimum wage and overtime laws.
- **Nonexempt Employees** Employee's whose positions do not meet specific tests established by the FLSA and California State law. All employees who are covered by the federal or state minimum wage and overtime laws are considered nonexempt. Employees working in nonexempt jobs are entitled to be paid at least the minimum wage per hour and premium for overtime.
- **Full Time Employees** – Employees who are not temporary employees, independent contractors or independent consultants and who are regularly scheduled to work a schedule of 40 hours per work week.
- **Temporary Employees** – Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project. All Temporary employees are at-will regardless of the anticipated duration of the assignment (see Employment-at-Will Policy). Temporary employees retain that status.

### 4.2. Lactation Break

You have the right to request an accommodation to express breast milk during the workday ("lactation accommodation"). To request a lactation accommodation, please notify or submit your request to Human Resources, The Office Manager, Owner, [Specify]. We will respond to, and make every effort to reasonably accommodate, each lactation accommodation request. If we cannot provide break time or a location to reasonably accommodate your request, you will be provided with a written response.

If your lactation accommodation request is granted, you will be allowed a reasonable amount of time to express breast milk when needed. If possible, break time for this purpose should run concurrently with paid rest periods already provided. Time taken for this purpose that exceeds rest period time already provided is unpaid.

If you feel you have not been properly accommodated or have been denied a lactation accommodation break, please notify your Supervisor or Human Resources immediately. You also have a right to file a complaint with the California Labor Commission for violations of your lactation accommodation rights.

### 4.3. Caregiver California State Requirements Compliance

To be actively employed as a Caregiver with FHC, Caregivers must at a minimum be:

- Currently registered with the Dept. of Social Services as a Home Care Aid and maintain current affiliation with FHC.
- Comply with and pay for any State requirements including but not limited to:
  - Personnel Record - HCS 501
  - Criminal Record - LIC 508
  - Report Abuse - SOC 341A

- 5 hours of Annual Training
- TB Clearance
- Transfer Form (If Applicable) - LIC 9128
- Transfer Exempt (If Applicable) - LIC 9188
- HCA Registry Approval/Denial Letter (with expiration date)

#### **4.4. Criminal Convictions**

Criminal convictions are taken seriously at FHC. We reserve the right to disqualify any applicant or dismiss any Caregiver convicted of a criminal offense.

Furthermore, conviction of a crime may result in an automatic dismissal. FHC will make every effort to evaluate the nature and circumstances of the conviction. With the safety and wellbeing of co-workers at stake, convicted Caregivers may be subject to appropriate disciplinary action, up to and including dismissal.

#### **4.5. Eligibility for Employment**

Federal law requires both new Caregivers and rehires to provide documentation of eligibility to work in the United States plus proper identity. A properly submitted form I-9 is required for employment.

#### **4.6. Familial Employment**

FHC does allow family members and relatives of Caregivers to be considered for employment, provided they are qualified for the position and no other conflict of interest exist. Hiring decisions will be the exclusive responsibility of FHC Staff.

#### **4.7. Scope of Employment**

FHC's Caregivers (Caregivers) are employed to provide companionship personal attendant care services for FHC's Clients. Caregivers are prohibited from entering into or cutting a Client's body, including hair, finger and toenails, from administering medications, from providing wound care, and from lifting or moving more than 35 pounds without an assistive device. More information regarding prohibited activities can be found in the Policies & Procedures section of this Handbook.

A Caregiver is a person employed to supervise, feed or dress a child or person who by reason of advanced age; physical disability or mental deficiency needs supervision or a baby sitter.

We cannot provide a comprehensive list of all of the duties of a Caregiver. However, those duties are consistent with the duties of assistance with the Clients' Activities of Daily Living (ADL's), which include but are not limited to: their bathing activities and cleaning the bathroom afterwards, their personal care, their ambulation and transferring, assistance with their dressing, meal preparation and cleanup, making their bed, washing, drying, and putting away their laundry, light housekeeping and other similar services.

Supervising may also include assistance in obtaining medical care, shopping for groceries or personal items, or performing housework when such activities are related to the independent living of the Client and cannot be performed by her or himself alone due to a health or age limitation. General housekeeping duties performed cannot exceed 20% of the weekly working time of the Caregiver.

General household work performed on a case might include the following: ironing clothes, dusting the furniture, polishing the furniture, polishing the silver, clearing spider webs with a broom, mopping and waxing floors with a mop applicator, sweeping the patio, vacuuming the floors, cleaning bathrooms other than the one used by the Client, and other similar activities.



On each shift a Caregiver works, she or he is not authorized to spend more than 20% of her or his time performing housekeeping tasks not associated with a Client's ADLs.

If a Caregiver works a 16 consecutive hour shift, at the completion of that shift he or she is required to leave the premises where that shift was worked.

Caregivers are only authorized to work the specific hours of each specific shift they are assigned.

## **1. Job Description for Caregiver's Overview**

Although Caregivers sometimes assist with making sure the people they support take their medications on time and in the correct dosage, FHC's Caregivers are not considered health care workers and are required to provide strictly non-clinical, assistive attendant care services. Our Clients receive health care services from health care providers and facilities in their communities. FHC's Caregivers monitor, observe or assist Clients with taking their medications or performing other independent health care tasks on themselves (i.e. finger pricking, self-injections, etc.). Caregivers are not to set-up, administer or dispense medications, perform wound care, enter into or cut any part of a Client's body. Please ask a Staff Member if you have any questions or areas of clarification on this topic.

### **A. Caregiver's Essential Functions:**

- Are occasionally required to sit, stand, walk, bend, squat, crawl, climb, run, and kneel, reach above and below shoulder level and move/lift up to 35 pounds.
- Must be able to frequently use both right and left hands to grasp, push, pull, and manipulate objects.
- Vision abilities include close vision, depth perception and the ability to adjust focus.
- Caregivers are usually required to talk and hear.
- Must be able to handle frequent, moderate levels of stress.
- Must be physically and mentally fit to work with Clients who are potentially dangerous to themselves or others.
- The ability to demonstrate sound judgment and to communicate orally and in writing.
- Must have the ability to take direction from and cooperate with all Staff Member.
- Must be able and willing to speak and behave in a friendly and congenial manner when communicating with all Staff Members.
- Must be willing to work a variety of shifts, including days, nights and weekends.
- Are required to maintain accurate written records for the shifts worked and services provided.
- Must immediately report any/all changes or unusual occurrences regarding a Client's plan of care, any/all incidents of abuse/suspected abuse, and any/all incidents where a Caregiver believes they or one of FHC's Clients has been involved in an injury or accident.

### **B. Caregiver's Essential Qualifications:**

- Must be a minimum of 18 years of age
- Holds the minimum education, experience and skills required to perform responsibilities

- Must have and continue a clean criminal background report
- Must have and continue a clean sex offender report
- Must have and continue a clean child and adult protective service report
- Must have and continue a clean (as determined by FHC) driving record
- Understand, speak, read and write English clearly
- Ability to withstand exposure to dust, mold, mildew and cleaning solutions
- Ability to treat and care for Clients and their property with dignity and respect
- Ability to adapt to various living environments and locations

**C. Among the activities with which Caregivers assist are:**

- Providing companionship and conversation
- Providing stabilization and assistance with ambulation
- Preparing meals and cleaning up meal-related items

Providing medication reminders and appointment reminders

- Performing light housekeeping tasks (dusting, vacuuming, making beds, changing linens, cleaning bathroom, kitchens, etc.)
- Washing and ironing laundry
- Running errands
- Accompanying Clients to appointments
- Assisting with and/or providing bathing to a Client
- Assisting with and/or providing grooming to a Client
- Assisting with and/or providing toileting and/or incontinence care to a Client

**D. Caregiver's Secondary Responsibilities Include:**

- Contributing to a positive living environment to enhance a Client's quality of life
- Performing other reasonable duties as assigned
- Reporting hours according to office policy
- Reporting any significant changes in a Client's needs or living conditions
- Regularly communicating with Supervisor and Staff Members.

In the event that at any time during a Caregiver's employment with FHC he or she is not able to perform all the essential functions of the job without accommodations that Caregiver is required to immediately contact his or her Supervisor and inform the Supervisor of the accommodations needed by the Caregiver to perform the job functions.

## **Section 5 - Wage and Hour Guidelines**

### **5.1. Workweek**

FHC's workweek begins each Saturday at 12:00 AM and ends the following Friday at 11:59 PM. Work conducted during any workweek will be paid on the next Friday following the last day of that workweek.

### **5.2. Work Schedule Requirements**

There are variations in workload based on demand from our Clients. It is our responsibility to meet critical care needs, sometimes with little notice. As a result, a Caregiver may be required to work additional shifts be it preplanned or spontaneous.

### **5.3. Paychecks**

Payroll checks will be distributed on payday as established in this handbook. Federal, State and any other required taxes will be withheld from wages, as will any voluntary deductions.

### **5.4. Pay**

Payday is each Friday. If you have not elected direct deposit, you should pick up your paycheck on Friday's at or after 1:00 pm. If you have opted to receive direct deposit of your paycheck, it will be deposited into the bank account that you have provided to us.

In the event payday falls on a holiday, paychecks will be distributed before the holiday.

We can mail pay checks, however once they are mailed, we have no control over them. It could take many days before you get your paycheck in the mail. We suggest the best idea is to pick up your paycheck on Fridays if you do not use direct deposit.

Additionally, FHC's policy is to pay Caregivers one and one-half times their regular rate of pay for all hours worked on a Company authorized holiday. For payroll purposes, a Company authorized holiday are those stated in this Handbook, commencing at 12:00AM on the calendar date of the holiday and ending at 11:59PM on that same calendar date.

Any questions about the amount of your pay or deductions should be brought to the attention of supervisor or FHC's Accounting Department immediately.

### **5.5. Holiday Pay**

FHC pays its Caregivers time and one-half (1.5) for any scheduled work performed between the hours of 12:00 AM and 11:59 PM for the following holidays:

New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**Caregivers wishing to observe national-origin holidays or religious holidays not listed in the Holiday Schedule must obtain permission from their Supervisor for time away from work and that time will be without pay.**

### **5.6. Travel and Training Pay**

The time you spend commuting to and from work is not considered work time and is excluded from this policy.

If you travel from home to work and return your home at the end of the workday, you are engaged in ordinary home-to-work travel that travel is not compensable work time. However, if you travel from two (2) or more job sites during the workday that is compensable hours worked travel time. FHC will reimburse you for any

compensable travel time at minimum wage and mileage for said travel at the current mileage reimbursement rate.

If you are a non-exempt employee and are required to travel or attend training for work-related purposes during the workday, you will be paid for such travel and training time at minimum wage.

You will be reimbursed for all reasonable travel-related costs incurred. If you have questions regarding travel or training pay should contact your supervisor.

### **5.7. Payroll Deductions for Federal Tax, State Tax, FICA and Medicare**

As required by law, FHC withholds State and or Federal mandated wage deductions. taxes from Caregiver earnings, as well as social security (FICA) and Medicare. FHC also participates in matching programs as required.

### **5.8. Recording Work Hours**

You are required to accurately record all hours worked, meal periods, holiday, sick, vacation/PTO time and other approved leave time.

“Hours worked” is defined by law as all the time an employee is subject to the control of an employer, and includes all time that an employee is suffered or permitted to work, whether or not required to do so. Working “off the clock” is not permitted.

You will record your time via the Generations telephony app or other electronic record generated by you, unless directed otherwise on a case by case basis. You are not to begin work more than 5 minutes prior to the start of your shift or work beyond 5 minutes after the end of your shift without prior approval of your Supervisor. Whatever your method of timekeeping, you are expected to follow the established procedures in keeping an accurate record of your hours worked.

All time must be properly recorded, and you are responsible only for your recording your own time.

You are to approve and/or sign your time card to attest that the hours recorded are accurate and are the total hours that you worked. You should not approve and/or sign any time card that is inaccurate. Notify your Supervisor immediately if there are any changes. You may not change anyone else's time record or allow anyone else to manage your time card.

Do not sign or approve your time record if you have not been provided all required meal and rest breaks. Failure to notify a supervisor that you have not been provided meal and rest breaks is a violation of company policy.

Any time not recorded or corrections to time recorded through the Generations telephony app are to be immediately relayed to your Supervisor. As required by the wage and hour laws, you are required to accurately record all of your work time to ensure you are correctly paid for all hours worked.

You are prohibited working unscheduled overtime hours or hours beyond your regular work schedule, including staying beyond the scheduled duration of a shift. without prior authorization from a Supervisor. Employees in violation of this section are subject to disciplinary action up to and including dismissal.

## **Section 6. Benefits**

### **Overview**

Benefits provided to Caregivers are provided at the will of FHC and FHC reserves the right to modify or eliminate benefits without notice under conditions of law. The benefits listed herein are intended to be a general description only. Details of specific benefits are outlined in the documentation for the benefit program.

## **6.1. Worker's Compensation Insurance**

FHC pays for its Caregivers' Workers' Compensation insurance for job related injuries and illnesses. Premium costs are paid by FHC. All authorized medical expenses for properly reported and actual work-related injuries or illnesses are fully covered. Claims are paid by FHC's workers' compensation insurance carrier. All Caregivers are responsible for communicating with FHC regarding their status, restrictions (if any), availability and plan to return to work following an accident and/or injury. All Caregivers are expected to return to work immediately upon release by their physician.

Caregivers are required to report job-related injuries immediately, and to make themselves available for post injury/accident drug and alcohol testing. A Staff Member is available 24 hours a day and 7 days a week – Caregivers who suspect that they have experienced a job-related injury must call the office by the end of their shift during which an injury or accident has occurred. This policy is in effect regardless of the severity or perceived severity of the accident or injury. Caregivers will be directed where to go to receive medical attention as required by the nature of the injury. Failure to comply could result in a loss or delay in coverage with the Caregiver's claim.

## **6.2. Social Security Benefits (FICA)**

During your employment, you and the Company both contribute funds to the Federal government to support the Social Security Program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age.

## **6.3. Unemployment Insurance**

The company pays a state and federal tax to provide employees with unemployment insurance coverage in the event they become unemployed through no fault of their own or due to circumstances described by law. This insurance is administered by applicable state agencies who determine eligibility for benefits, the amount of benefits (if any), and duration of benefits.

# **Section 7. Attendance Policies**

## **7.1. General Attendance**

Punctual attendance to one's job assignments is mandatory for efficient job performance. In cases of absence for any reason, you are required notify your immediate Supervisor as soon as reasonably possible. Poor attendance, absence without notification, or habitual tardiness will be subject to appropriate disciplinary action, up to and including dismissal. Additionally, absenteeism with less than eight (8) hours verbal notice to the office will result in disciplinary action, up to and including dismissal; absenteeism without verbal notice to the office will be considered a voluntary resignation from the Caregiver – Please don't do this. Keep us informed.

## **7.2. Tardiness**

Caregivers are expected to arrive on time to their assigned shifts and ready for work. If a Caregiver will be tardy to a shift assignment, that Caregiver is required to call the office to report they will be tardy so that the Staff can inform the Client. A Caregiver who arrives 5 minutes after their scheduled shift start time is considered tardy. FHC recognizes that situations arise which hinder punctuality; regardless, excessive tardiness is prohibited, and may be subject to disciplinary action.

# **Section 8. Reserved for Future Use**

## **Section 9. Company Policy and Procedures**

### **9.1. Cell Phones, Smartphones or Similar Devices at Work Policy**

#### **Policy Purpose**

FHC's cell phone company policy is designed to express the company's attitude towards the use of cell phones in the workplace.

FHC does not require its personal attendants to have cell phones, Smartphones, or any other similar device as a condition of employment. FHC does not require personal attendants to use personal cell phones/devices for work-related purposes.

FHC recognizes that cell phones (and Smartphones in particular) and similar devices have become an integral part of everybody's life. We are also certain they may be an asset in the workplace if used correctly (for productivity apps, calendars, business calls etc.). However, we have observed that cell phones may also cause problems when used imprudently or excessively. It has, therefore, become apparent that a policy that clarifies the allowances and restrictions of cell phone use is necessary.

This policy about cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the Internet, or downloads and allows for the reading of and responding to email whether the device is company-supplied or personally owned.

#### **1. Use of Personal Cell Phones**

- A. The use of personal cell phones for business purposes should be limited to necessity. Costs incurred for necessary work-related calls or texts will be reimbursed as per FHC policy.
- B. Personal cell phones are permitted to be carried while on duty but must be placed on silent mode, and allow the voice mail to answer ant calls.
- C. Messages may be checked on "down time" when not actively involved in performing work duties.
- D. All cell phones must be intrinsically safe. If carried by a person, it must be carried in a safe a concealed area on that person that does not interfere with the physical requirements of the job, will not fall off, or cause others to be distracted by the presence or appearance of the device.
- E. While attending to a Client, personal attendants shall not, under any circumstances, respond to (or make) a personal cell phone call, send a text message, or check electronic mail on a cell phone or similar devices.
- F. Personal attendants are prohibited from using the camera or voice recording functions of a cell phone while on duty except as follows:
  - For clinical and or documentation purposes only and conducted only at the discretion and under the direction of an FHC Staff Member.
  - Any on-scene images or other images taken by a personal attendant in the course and scope of their employment are the sole property of FHC and not the property of the personal attendant.
  - No images taken by a personal attendant in the course or scope of their employment may be used, printed, copied, scanned, e-mailed, posted, shared or distributed in any manner without the express written permission of FHC's HR Department.

- G. The use of personal cell phones for personal reasons during work hours is discouraged and should be limited to matters requiring immediate attention.
- H. Personal attendants may use personal cell phones during work hours for any legitimate safety, security or emergency purposes.
- I. All communications using personal cell phones during work hours, or conducted on FHC property, or while on FHC business – verbal, written or other – must meet professional standards of conduct.
- J. Personal attendants shall not use personal cell phones during work hours, on company property, or while on company business for the creation, posting, transmission, or voluntary receipt of or for any of the following:
  - Illegal, disruptive, unethical or unprofessional activities;
  - The conduct of a business enterprise or personal gain;
  - The download or upload of inappropriate, illegal or obscene material;
  - Any purpose that would jeopardize the legitimate interests of FHC;
  - Political activity;
  - Engaging in any form of intelligence collection;
  - Engaging in fraudulent activities;
  - Knowingly disseminating false or otherwise libelous materials;
  - Engaging in materials that negatively depicts race, sex or creed;
  - Any form of gambling
  - Misusing, disclosing without proper authorization, or altering customer or personnel information. This includes making unauthorized changes to a personnel file or sharing electronic customer or personnel data with unauthorized personnel.
  - Any ordering (shopping) of items or services on the Internet.
  - Playing of any games.
  - Forwarding of chain letters.
  - Participation in any on-line contest or promotion.
  - Acceptance of promotional gifts.
  - Downloading or streaming of online music.
  - Forwarding copywritten images, music or text without written consent of the author.
- K. Personal attendants should be aware that cell phone conversations are not secure and can on occasion be picked up on radio receivers. Personal attendants should use discretion in discussing highly sensitive, protected or confidential matters on the cell phone.
- L. FHC is not financially responsible for a personal phone if it is lost, stolen or damaged while conducting any business activity.



## 2. Use of Cell Phones While Driving

- A. Research indicates that using a cell phone while driving is dangerous. Personal attendants must be aware of and follow all current legislation and regulations regarding the use of cell phones while operating a motor vehicle. It is illegal to use a hand-held cell phone to talk, text, e-mail, or surf the Internet while driving.
- B. FHC personal attendants are required to exercise due diligence while operating a motor vehicle on company business. To that end, personal attendants are not permitted to use a cell phone while operating a motor vehicle on company business.
- C. This prohibition of cell phone or similar device use while driving includes receiving or placing calls, text messaging, surfing the internet, receiving or responding to email, checking for phone messages, or any other purpose related to your employment; the business; our customers; our vendors; volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the company; or any other company related activities not named here while driving.
- D. You are required to stop your vehicle in a safe location so that you can safely use your cell phone or similar device if you need to make or respond to a phone call while operating a vehicle while on duty.
- E. A cell phone's voicemail feature should be activated to store incoming calls while driving. Personal attendants are encouraged to check and return calls at safe opportunities (during a rest stop, before leaving, upon arrival).

## 3. Personal Devices Usage Reimbursement

FHC will reimburse Caregivers for costs associated with the use of their personal cell phones/devices for FHC generated work-related purposes as follows:

- Work related phone calls and texts generated by FHC Staff to and received on Caregivers' personal cell phone or similar devices.
- FHC will pay a Caregiver the cost of the work-related calls or texts indicated above according to the Caregivers' phone/data plan statement.
- A Caregiver seeking cell phone or similar device reimbursement for work related calls and or texts is required to submit each month, for the previous month, a record of all work related calls and texts made on his or her cell phone or similar device with their monthly itemized cell phone bill to his or her Supervisor who will forward the information to FHC's Accounting Department to be processed for reimbursement.
- Normal processing time and reimbursement is 10 business days from the time of submittal of a reimbursement request.
- Due to the variety of cell phone plans, FHC accepts requests for reimbursements only after the month has ended. FHC and Caregivers both agree that Caregivers will submit all requests for reimbursement under this policy within 30 calendar days after the last day of any month. In addition, any request more than 31 days following the end of a month for which reimbursement is requested will be denied.
- FHC will not reimburse the Caregiver for the cost of or a percentage of the cost of the device.



- FHC will not reimburse the Caregiver for charges including, but not limited to: roaming, plan overages, penalties, contract changes, cancellations, interest, etc.

#### **4. Disciplinary Consequences**

- A. The company retains the right to monitor personal attendants for excessive or inappropriate use of their cell phones. If it is discovered that a personal attendant's phone usage causes a decline in productivity or interferes with the smooth workflow in the workplace, the company will ban that personal attendant from bringing their cell phone to their place of duty.
- B. For any action that constitutes a breach of security, violation of the confidentiality policy or cause of an accident the personal attendant may face severe disciplinary repercussions up to and including termination.

**Personal attendants who violate this policy will be subject to disciplinary actions, up to and including termination.**

#### **9.2. Company Equipment**

Company property, such as laser printers, copiers, computers and all production tools, are to be used for FHC business purposes only. Use of unauthorized equipment may result in appropriate disciplinary action, up to and including dismissal.

#### **9.3. Compensation**

Pay for working cases is based on various factors associated with each particular case. Pay rates for cases are established by FHC Staff management. Employment is based on an as-needed basis.

#### **9.4. Conservation and Recycling**

Conserving energy and resources is a priority at FHC. Caregivers are required to conserve power and water in all reasonable ways. Often, recycling containers are provided in the Client's residence. When applicable, please be certain to separate all recyclables and put them into the appropriate containers.

#### **9.5. Dress Code for the Workplace**

FHC encourages Caregivers to dress comfortably, with consideration given to maintaining a professional appearance as follows:

- Appropriate attire should be worn at all times in keeping with commonly recognized industry standards, including no open-toed shoes.
- Scrubs are usually appropriate when working cases.
- You are expected to come to work clean, with clean and combed hair, and with deodorant on.
- Your clothes should be neat and clean while on duty.
- Your clothing while on duty should not be soiled, stained, torn, or ragged looking.
- See-through or revealing clothing, shorts, midriff tops, halters, loungewear and clothing with decals are not to be worn.
- Your fingernails should not be of a length that it could cause harm to a Client if you were required to physically assist her or him.

- You should not wear necklaces that could pose as a hazard while assisting Clients.
- No visible tattoos or body piercings other than a maximum of two earrings close to the ear per ear are permitted.
- FHC retains the right to require Caregivers to take their hair color back to its natural color.
- Long hair is to be pulled and tied back.
- You are expected to report to work smelling as neutral as possible (please remember that our Clients may be sensitive to odors associated with tobacco products, synthetic fragrances, or scented products).

All Caregivers are to be considerate of the Company's image as well as her or his professional image with Clients, the public, and co-workers.

## **9.6. Documentation Principles**

The following are general guidelines for proper documentation principles for FHC's Caregivers. All Caregivers are required to document their activities and Client-specific updates during every shift worked. Document the following:

### **1. Care Notes – Electronic and Written**

All Caregivers are required to complete Care Notes for tasks performed for each visit services are rendered and record any approved mileage driven in the Caregiver's vehicle on behalf of the Client. Care Notes are case specific and may require both yours and our Client's signatures. Care notes are required to be completed for each shift prior to clocking out of that shift.

### **2. Recording Care Notes Guidelines**

Care Notes are a critical component to FHC's success strategy and the following guidelines outlines different issues that should be recorded as applicable:

- The activities performed during each shift
- Observations of Client's response to care, therapy and/or treatment
- Care services performed on behalf of the Client during each shift
- Any unusual incidents, omitted treatments, or Client requests
- Any and all visitors, by name, who enter the Client's residence or the residence of duty during your shift
- Safety precautions you took to protect the Client
- Write your signature on each entry (when in doubt chart everything)

### **3. Other Documentation Guidelines**

- Caregivers are prohibited from administering any medications and prohibited from using language in their charting that would suggest such. Please be sure your charting reflects your actions and that your actions stay within your scope of employment. When it comes to medications we suggest and require that your actions and charting reflect that you "remind", "observe", and/or "prompt" the Client to take their medications. Please ask a Staff Member if you have any questions.
- Do not write subjective opinions, just facts, document only what you observe with all your senses. Be specific, avoid being general or vague.

- Be accurate, concise and honest: This will enhance the readability of your documentation.
- Document as you go, when possible. This is easier said than done.
- If you observe changes in the patient, do not just chart them; also notify the office and the family if they are present.
- If you are asked to document for someone else don't do it. But, if you are unable to refuse, include the name of the person you are documenting for. Then sign your name. The signing of the name of someone else on any document is strictly prohibited.
- Above all, do not try to cover up a mistake. Be candid with both the Client (and their family) and FHC. Your credibility is everything. Once you have the reputation of covering up errors the level of trust that is needed in the health care profession is undermined and your reputation as a Caregiver may be irreversibly damaged.

### **9.7. Driving Record Policy**

All Caregivers who will be providing transportation to any Client must first provide proof of a valid driver's license current and acceptable insurance and registration. Prior to providing transportation services the Caregiver must also provide proof of a driving record that is acceptable to FHC.

California Caregivers must pay for and submit a request to the DMV for a Driver License Information Record. Once obtained, that Record must be submitted to a Staff Member. The form to facilitate this process was included with your Orientation paperwork, and it is readily available from a Staff Member.

Caregivers must sign and submit a MVR Release Form. FHC will then obtain a MVR issued Driver License Motor Vehicle Record for the prior 39 months.

Eligible drivers must be at least 18 years of age, have a driving record acceptable to FHC, have a driver's license and appropriate insurance, and have all required documentation turned in on a current and ongoing basis. Driving records for Caregivers providing transportation services are checked at time of hire as part of the hiring process, and may be checked randomly as a condition of continued employment.

Caregivers must notify their Supervisor of any moving traffic violation(s) that occur while employed with FHC, regardless if the violation occurred on or off the job.

### **9.8. Food & Beverage**

Without exception, food and beverage is strictly prohibited within immediate proximity of any computers, servers, related hardware, application storage areas or production equipment. In all other areas, Caregivers should be mindful of potential family and medical professional visitors within the Client's residence. Meals should be eaten in the specified food area.

### **9.9. Gifts, Entertainment & Meals**

FHC Caregivers and their families are not allowed to ask for, give or receive business gifts, favors, meals or entertainment to or from any Clients or suppliers of FHC, except as approved by a FHC Manager.

If you or co-workers are approached to give or receive such gifts you are required to request and obtain permission from a FHC Staff Member before receiving business gifts, favors, meals or entertainment.

### **9.10. Leaving the Residence of Duty During a Scheduled Shift**

You are required to call the main office number and notify a Staff Member every time you leave the Client's residence

and when you return to the Client's residence during a scheduled shift.

- The required actions we need you to perform are:
  - Call the main office number prior to leaving during your shift
  - Report:
    - Where you will be going
    - Who will be going
    - Who will be driving
    - What automobile will be taken
    - Anticipated time of return
  - Call the main office number upon returning to the residence
  - Report:
    - What time you returned
    - Any relevant information or updates from trip

This is in addition to our requirement that you call in and out to report your shift start times, end times, and any mileage driven.

### **9.11. Medical Attention**

FHC requires you to notify a Supervisor as soon as possible when medical attention is required for any reason, accident or illness that would affect you fulfilling your work assignments.

### **9.12. Medication Prescribed by a Doctor**

If medication is prescribed by a doctor, and the medication prescribed may impair a Caregiver's performance of her or his job-related duties, or endanger other workers, that Caregiver is required to immediately notify management, in writing, of the specific medical problem and the exact drug that has been prescribed.

### **9.13. No Solicitation and No Distribution Policy**

#### **1. Definitions**

Company "premises" means property owned, leased, operated, managed or controlled by the Company, including buildings, parking lots that the Company has the right to use exclusively or in common with others, vehicles owned or operated by the Company, and any location where Company sponsored activities are taking place, such as restaurants, banquet halls, athletic facilities, parks or other recreational facilities.

Work time means any time when Caregivers are engaged in or required to be performing work tasks. Work time does not include break periods, meal times, or other periods during the workday when Caregivers are properly not engaged in performing their work tasks.

Work areas are all areas controlled by the Company or the Company's Clients where Caregivers are performing work.

#### **2. Statement**

In order to maintain and promote efficient operations, and security, FHC has established rules applicable to

all Caregivers, which govern solicitation, distribution of materials, and entry into premises and work areas. To avoid interruption of our work and to prevent unnecessary annoyance or possible embarrassment to our Caregivers, we prohibit all soliciting of Caregivers or distribution of any material in work areas during work time.

No Caregiver shall solicit or promote support for any cause or organization (e.g., fund raisers) during her or his working time and/or during the working time of the Caregiver or Caregivers at whom such activity is directed.

Additionally, distribution of written materials of any kind by FHC Caregivers is prohibited at all times in all working areas on Company premises. Solicitation or distribution of materials to Caregivers is only allowed in non-work areas and only during non-work time.

This policy applies to civic organizations, community groups, sales representatives, religious groups, charities, contests, fundraisers, raffles, sports teams, unions, political parties and candidates, landscaping and construction services.

Non-Caregivers are never allowed to solicit anyone or distribute anything on Company premises.

### **3. Caregiver Responsibilities**

- A. All Caregivers must comply with the terms of this policy.
- B. It is the responsibility of the Caregiver, initially, to distinguish appropriate times and means for solicitation and distribution consistent with this policy, and subject to Company review.
- C. If you have a need to solicit and/or distribute materials on Company premises, it must be in compliance with this policy. If you have questions, talk with your Supervisor or Caregiver relations' person.
- D. If solicitation or distribution is conducted within the parameters of this policy, the manner of activities must not harass or intimidate other Caregivers. If you are subjected to such behavior at any time, report the activity to your Supervisor.
- E. If solicitation or distribution occurs while you are working, report the activity to your Supervisor.

### **4. Management Responsibilities**

- A. All managers and Supervisors are responsible for enforcing this policy. All Caregivers must comply with the terms of this policy.
- B. Monitor your work areas and enforce the solicitation and distribution rules consistently.
- C. Review the solicitation/distribution policy with Caregivers periodically.
- D. When Caregivers have questions about activities involving solicitation or distribution, consult with management or Caregiver relations to ensure there is consistency in application.
- E. All managers and Supervisors are responsible for enforcing this policy. All Caregivers must comply with the terms of this policy.

#### **9.14. Off-Duty Contact with a Client**

FHC's Caregivers are prohibited from giving to the Client, the FRP, or their families, the Caregiver's home telephone number or home address, email, social media address, or any other physical location or telephone number where the Caregiver could be contacted during off duty hours. Caregivers are prohibited from any contact, in person or by telephone and/or computer with the Client or the Client's family, or FRP during the Caregiver's off duty hours.

### **9.15. Personal Property**

FHC is not responsible for the personal property of Caregivers in or about the Client's residence, FHC's facilities, vehicles or parking areas. Any personal items brought on or into the Client or FHC's premises must be removed at the end of the Caregiver's shift.

Personal property of any kind (spare clothing, pillows and/or bedding, etc.) is not to be left in or about the residence of a Client. Any Caregiver items deemed inappropriate by FHC will be removed from the home of the Client without notice. As always, be considerate of the Company's image as well as your image with Clients and co-workers.

### **9.16. Personnel File**

FHC maintains a confidential personnel file for each Caregiver. Files are controlled by FHC Staff. Caregivers must get permission to view her or his personnel file from a FHC Staff Member. These files are the property of FHC, and no documents may be altered or removed by the Caregiver. Every reasonable effort is made to keep the information confidential; access is limited to Staff members who require access to perform their job functions. Copies will not be distributed to any third party unless mandated to do so by a court of law.

### **9.17. Phones & Phone Systems**

Telephone systems, equipment and operators are in place to provide business services of the Company. Caregivers are to limit the personal use of these items. Caregivers are to refrain from lengthy personal calls on Company telephones.

While on duty, Caregivers are to refrain from using their personal cell phones. Caregivers are not to use the Client's telephone, except to call in their shift start and end times. If a Caregiver needs to call the office while on duty, the Caregiver is to always ask permission before using the Client's telephone.

**Long distance calls for personal use on the Client's or FHC's telephones are prohibited.**

### **9.18. Prohibited Financial Activities with Client(s)/F.R.P.(s) or their Families**

Caregivers are prohibited from performing activities or assisting the Client, the Financially Responsible Party, or their families with performing activities related to any financial matters, performed in person, by hand, over the telephone, or computer generated or activated. These activities include, but are not limited to:

1. Writing out bank deposits or other monetary deposits to any financial institution or organization,
2. Going to the bank and making deposits or withdrawals, or doing the same electronically,
3. Opening bank statements or statements from any financial institution whether in person or online,
4. Reconciling checkbooks or ledgers,
5. Looking inside or making entries into checking books, ledgers, or online banking accounts,
6. Writing out any portion of a check,
7. Paying bills in cash, or using another monetary instrument,
8. Assistance with the organization of bills in preparation of bill paying,
9. Using the Client, the FRP, or their families credit cards, debit cards, or ATM cards for any purpose, or knowing the passwords of such,

10. Handling cash or coins for any reason for the Client, the FRP, or their families, except in the case where the Client has a petty cash fund at the home of duty and that fund is solely for the purchase of groceries and prescriptions for the Client. All activity of the petty cash fund is required to be logged into the Client's Activity Log Book,
11. Discussing, counseling, giving advice, or otherwise knowing about or being involved with the Client's, the FRP's, or their families' financial affairs, stock holdings or stock portfolios, investments, holdings, bank balances, mortgages and/or their balances, certificates of deposits, financial statements of any sort, or any other financial matter.

### **9.19. Prohibited Specific Activities of FHC's Caregivers**

1. Caregivers are prohibited from cutting or trimming the Client's hair, fingernails, and/or toenails.
2. Caregivers are prohibited from administering any medications. Caregivers can remind or assist the Client in taking her or his own medications.
3. Caregivers are prohibited from having her or his friends, members of her or his family or acquaintances in or about the Client's home. The only exception would be for a Caregiver to be picked up or dropped off for a job assignment.
4. Caregivers, their families, friends or acquaintances are expressly prohibited from asking for, or accepting, gifts or loans, in any manner or form, from the Client, the Financially Responsible Party, or their families.
5. Caregivers are not permitted to bring stereos, iPods or other electronic type music devices, or portable radios to your place of work. Caregivers are not to leave your personal effects, of any type, at the residence of duty when he or she goes off duty.
6. Caregivers are not to bring a pet or animal of any kind to a residence of duty.
7. When Caregivers perform care duties in a residence, it should always be remembered that it is not the Caregiver's home. The food, the television, the furniture, the dishes, everything in the home is not your property. You are employed in that home by FHC to perform specific care services. Caregivers are prohibited from rearranging furniture, moving things from one place to another, or doing anything of this nature to disrupt the organization or continuity of the home, unless requested to do so by the Client. Caregivers are not to use any of the Client's possessions or belongings for your personal use or benefit.
8. Caregivers are not to have, promote, or encourage any Client, anyone associated with the Client, current or former, to hire you privately or any of your relatives, friends, or acquaintances to perform chores, tasks, jobs, or projects in or around the Client's residence or property; or in or around the residences or property of the Client's relatives, friends, acquaintances, or neighbors. These policies are in effect whether the Client pays for these services or not.

### **9.20. Proper Shift Relief**

Caregivers are prohibited from leaving a work assignment or from walking off a work assignment to end their duties without first being properly relieved of duty.

FHC considers a Caregiver to be properly relieved of duty when:

1. A scheduled shift ends on a case and no relief is scheduled for that case.



2. When working a scheduled shift and another shift is scheduled to start immediately after the current shift has ended, the on-duty Caregiver is considered properly relieved when the relieving Caregiver has physically arrived at the scheduled place of duty, has informed the relieving Caregiver of all the pertinent information concerning the case, and the Caregiver is ready and capable of assuming the care-giving duties for that case.
3. If a Caregiver has concerns whether or not they are properly relieved from a case, before leaving the case, she or he is to call her/his Supervisor for clarification.

### **9.21. Reimbursement of Expenses**

Expenses to be reimbursed by FHC must be approved before expenditure. To receive reimbursement, you must furnish your Supervisor with two items: receipts for all expenses (other than per diem or mileage) and a properly completed expense form (available from your immediate Supervisor).

We appreciate your expenditures on behalf of FHC and will make every effort to reimburse you in a most timely fashion.

If you require an advance for expenses, see your immediate Supervisor.

### **9.22. Reporting Personal Information Changes**

Caregivers must notify a FHC Staff Member whenever there is a change in their personal information on file with FHC. This includes address, phone number, income tax withholding information, emergency contacts and if applicable, any information that may impact your insurance coverage.

### **9.23. Schedule Changes**

As a Caregiver of FHC, you are prohibited from suggesting to any Client or other persons associated with the Client any changes in the scheduling of any case or work assignment. You are prohibited from accepting any changes or variations of work schedules without the authorization of a FHC Care Management Staff Member. If a Client requests you to change or deviate from the current approved work schedule, you must immediately facilitate communication between a FHC Staff Member and the Client, usually via a phone call to the office.

### **9.24. Severe Weather Closings**

In the event the Company must close for the day due to severe weather or emergencies, the Company will make every reasonable effort to notify you. If weather conditions are so severe that you are unable to travel to your work assignment, contact your immediate Supervisor.

### **9.25. Situations Where a Care Manager is to be Immediately Informed**

If any of the following situations occur a Care Manager is to be *immediately* informed:

- Alleged theft or misconduct by Caregivers of FHC
- Caregiver fall, injury and/or accident while at work
- Client fall, injury and/or accident
- Problem involving Caregivers of FHC
- Problem involving non-FHC Caregivers
- When you have observed an incident that reasonably appears to be physical abuse, abandonment, isolation, financial abuse or neglect



- When you reasonably suspect abuse
- When an elder or dependent adult tells you that she or he has experienced behavior containing physical abuse, abandonment, isolation, financial abuse, or neglect.
- Any time you observe an unsafe workplace practice.
- Client or Caregiver has suffered a life-threatening medical event.
- Something occurs with a Client that necessitates that Client being taken to the hospital.
- A Client dies while FHC is providing care services. Whether at the residence of duty or while being transported by FHC.
- An accident of any sort, including an automobile accident, regardless if it does or does not result in personal injury or property damage occurs involving a Client and or a Caregiver while FHC is providing services.
- Caregiver is unable to work an agreed upon and scheduled shift.

**REMINDER:** Caregivers who no-call no-show for a scheduled shift are considered to have voluntarily resigned their position with FHC.

## **9.26. Smoking/Tobacco Products Use**

Smoking or the use of tobacco products are not allowed in FHC facilities. Smoking is allowed only in designated areas outdoors for certain Clients. While smoking, please be considerate of others and adhere to all applicable State laws. All smoking materials must be extinguished properly and disposed of in appropriate receptacles.

## **9.27. Media/Technology Policy**

### **1. Policy Statement(s):**

FHC recognizes the value of online Social Media sites and blogs as vital resources to positively promote FHC's mission and values, operational goals, marketing and recruitment activities, as well as a forum for exchange of information by its Caregivers.

FHC supports access to Social Media and blogs by its Caregivers through the provision of Internet access. FHC classifies cell phones as an IT device. Internet access and use is a privilege and must be carried out in a manner that is consistent with job responsibilities and FHC's policies addressing appropriate use of scheduled work time and resources. Access to the Internet by FHC's Caregivers is available through personal and FHC's Information Technology (IT) devices. Due to the need for its Caregivers to have Internet access, FHC will not provide resources to block access by geographic sites, individual devices, or websites (certain websites will continue to be blocked at the enterprise level (e.g., illegal sites).

The following activities are prohibited to be performed by Caregivers without advance approval of a Corporate Officer:

- Downloading of any software programs, games or applications for personal use on FHC IT devices
- Downloading of personal content on FHC IT devices. Caregivers are not to check their personal emails and/or Facebook, or other Social Media pages, on any FHC IT device and are not to open attachments from non-business related contacts.

- Downloading, upgrading, updating of any software products, software offers, software additions, or any other programs or devices which would alter FHC's existing IT systems, networks, or individual units.

At no time shall FHC Caregivers, utilizing personal or professional Social Media, blogs, the internet in general, or other technology to share confidential or personal Client or proprietary business information or images.

The inappropriate use of media and or technology by you that conflicts with FHC's mission and values, violates policies and procedures, and/or compromises the privacy and or security of confidential Client health information or propriety business information shall be subject to corrective action, up to and including dismissal. In addition, breach of confidential Client health information may also be subject to legal proceedings and/or criminal charges.

## **2. Guidelines for FHC's Caregivers Communicating FHC-Related Content through Social Media, Blogs and the Internet in General**

There are some simple guidelines to keep in mind when using Social Media sites. These guidelines are really based on existing policies, but it is worth the exercise of translating those policies for applicability in the online world.

- If you are developing a website or writing a blog that will mention FHC and/or our current and potential products, Caregivers, partners, customers, and competitors, identify that you are a Caregiver of FHC and that the views expressed on the blog or website are yours alone and do not represent the views of FHC.
- You should refrain from identifying yourself as representing us or our views unless you are specifically authorized to do so. You should preface your opinions about our industry, us or your work duties with a disclaimer stated that your views do not necessarily represent your employer.
- If you are developing a site or writing a blog that will mention FHC and/or our current and potential products, Caregivers, partners, customers, and competitors, as a courtesy to FHC, please let your Manager know that you are writing them. Your manager may choose to visit from time to time to understand your point of view.

## **3. Don't Betray Our Client's Trust (and don't get arrested)**

Remember, disclosing confidential Client Protected Health Information (PHI) in an inappropriate manner is a federal offense. The penalties include significant fines and/or arrest. FHC Caregivers should never publicly make comments about the care of a specific Client, especially online. **Even acknowledging the care of a Client is an unacceptable disclosure of PHI.**

## **4. Don't Get Fired**

Your employment at FHC is based upon the premise that your skills and work ethic have value to FHC. If you are using Social Media (or any other medium) to harm the reputation of FHC then your value to FHC has diminished greatly, regardless of your job performance. This is not to say that everything you say in the public domain about your employer has to be flattering. But there is a significant difference between occasional constructive criticism and statements that are harmful to FHC's reputation. Don't:

- Post work-related information that may compromise FHC's business practices or Client privacy and security.

- Engage in any form of harassment, including derogatory or inflammatory remarks about any coworker, Supervisor, or other FHC Caregiver and/or any individual's race, age, disability, relation, national origin, physical attributes, sexual preference, or health condition.
- Violate copyrighted or trademarked information.

## **5. Don't Think Your Social Media Posts are Private**

Even though there are privacy controls on sites such as Facebook and other Social Media sites, you should assume that anything posted on a website will be seen by the general public, as well as your employer. Remember:

- Friends: can copy your posts and make them available in public
- Friends: could be some of our Clients (**although they should not be**)
- It is easy for privacy settings to be something other than what you had planned

## **6. Don't Give your Social Media Information or Access to Clients of FHC**

FHC has policies in place that prohibits off-duty contact with Clients of FHC. This policy extends to Social Media sites. Caregivers are not to give access to or from her or his Social Media sites or activities. In addition, Caregivers are not to accept access to FHC's Client's Social Media sites or activities.

## **7. Confidential Information Component**

You may not share information that is confidential and proprietary about FHC. This includes information about trademarks, upcoming product releases, sales, finances, number of products sold, number of Caregivers, FHC strategy, and any other information that has not been publicly released by FHC.

These are given as examples only and do not cover the range of what FHC considers confidential and proprietary. If you have any question about whether information has been released publicly or experience doubts of any kind, speak with your Branch Manager before releasing information that could potentially harm FHC, or our current and potential Caregivers, partners, and Clients. You may also want to be aware of the points made in the trade secret agreement you signed when you joined FHC.

FHC's logo and trademarks may not be used without explicit permission in writing from the President of FHC. This is to prevent the appearance that you speak for or represent FHC officially.

## **8. Respect and Privacy Rights Components**

Honor the privacy rights of our former or current Caregivers by seeking their permission before writing about or displaying internal FHC happenings that might be considered a breach of their privacy and confidentiality.

## **9. Your Legal Liability Component**

Recognize that you are legally liable for anything you write or present online. Caregivers can be disciplined by FHC for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by FHC Caregivers, competitors, FHC or any individual that views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.

## **9.28. Staff Meetings**

Group meetings of several Caregivers as well as meetings of all Caregivers are occasionally scheduled. Every effort is made to schedule these meetings during the hours worked by the vast majority of Caregivers. Written notification for mandatory meetings will be distributed in advance. All Caregivers are required to attend, when requested, even if it is not during their scheduled work hours. All Caregivers will be paid for their time in attendance of any mandatory authorized Caregiver meeting.

## **9.29. Telephone Usage**

While on duty, Caregivers are to refrain from using their personal cell phones or other electronic devices for incoming or outgoing calls, text messaging and/or application or internet functions. Caregivers are not to use the Client's telephone, except to call in their shift start and end times. If a Caregiver needs to call the office while on duty, the Caregiver is to always ask permission before using the Client's telephone.

Long distance calls for personal use on the Client's or FRP's telephones are prohibited.

# **Section 10. Policies for Time-Off & Leaves of Absence**

## **10.1. Family & Medical Leave Act (FMLA)**

Employers who have more than 50 Caregivers within a 75-mile radius must provide FMLA leave to all of their eligible Caregivers. For the purposes of FMLA, all Caregivers on the payroll, including full-time and part-time Caregivers and those already on leave, are included in this count.

Federal law provides for up to 12 weeks of unpaid leave in a calendar year for FHC Caregivers for any of the following reasons:

- The Caregiver's own serious health condition
- The birth of a child or to care for a newborn, newly adopted child, or a newborn in foster care
- The care of a spouse, child or parent with a serious health condition

A FHC Caregiver is eligible for FMLA leave so long as that Caregiver has worked for FHC for a total of 12 months, even with a break in service. The break can be up to 7 years & even longer in certain circumstances, e.g., where the break occurred because of military obligations.

If a Caregiver needs leave time under the Family & Medical Leave Act, they need to inform FHC within 2 days of the start of their absence from work.

Family and Medical Leave is normally unpaid leave except that:

- Accrued sick leave may be substituted, at the Caregiver's option, for unpaid family and medical leave granted for the Caregiver's serious health condition or to care for the Caregiver's child, parent, spouse, or domestic partner with a serious health condition.
- Accrued vacation leave may be substituted, at the Caregiver's option, for unpaid family and medical leave granted for any covered reason.

Eligible Caregivers may work an intermittent or reduced schedule for baby bonding only if FHC agrees.

Caregivers who need intermittent or reduced schedule leave for planned medical treatment must make a "reasonable effort" to schedule the treatment not to unduly disrupt FHC's operations.

Caregivers have provided sufficient information to make a determination of leave eligibility under the CFRA if they

provide:

- The date, if known, on which the Serious Health Condition began;
- The probable duration of the condition; and
- A statement that, due to the Serious Health Condition, the Caregiver is unable to work at all or is unable to perform any one or more of the essential functions of her/his position.

When the Caregiver puts FHC on notice of the need for leave, FHC will provide the Caregiver with notice of their rights & responsibilities if leave taken should qualify for FMLA. When the Caregiver has sufficient information to determine whether leave is required under the FMLA (e.g., once medical certification is returned), FHC shall notify a Caregiver within 5 business days whether the Caregiver is leave eligible and, if not, FHC will state at least one reason why not. If FHC wants a fitness for duty certification before Caregiver can return to work, the designation notice shall include this requirement and a statement of the Caregiver's essential job functions.

Basic minimum leave duration is two weeks for FMLA-only baby bonding leave. But, FHC will grant a request for leave of less than two weeks in duration on any two occasions.

## **10.2. California Family Rights Act**

The Fair Employment and Housing Act (FEHA), enforced by the Department of Fair Employment and Housing (DFEH), contains family care and medical leave provisions for California employees. These leave provisions are known as the California Family Rights Act (CFRA).

Under CFRA and the New Parent Leave Act, if you have more than 12 months of service with your employer, and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to family care or medical leave. In workplaces of 20 or more persons, this leave may be up to 12 workweeks in a 12-month period for the birth of a child or the placement of a child for adoption or foster care. The leave does not need to be taken in one continuous period of time.

CA PFL will increase from six to eight weeks effective July 1, 2020

On January 1, 2021, CA PFL will expand by qualifying exigencies related to the covered active duty or call to covered active duty of an employee's family member in the U.S. Armed Forces.

An eligible employee may take an unpaid leave to:

- Bond with an adopted or foster child or to bond with a newborn.
- Care for a parent, spouse, registered domestic partner, or child with a serious health condition.
- CFRA leave may also be taken for the employee's own serious health condition.

FHC requires a 30-day advance notice of the need for a CFRA-qualifying leave. When this is not possible due to the unexpected nature of the qualifying event, notice should be given as soon as practicable. Notice can be written or verbal and should include the timing and the anticipated duration of the leave. FHC will not require disclosure of an underlying diagnosis and will respond to a leave request within 5 business days.

The employer may require written communication from the health-care provider of the child, parent, registered domestic partner, or employee with a serious health condition stating the reasons for the leave and the probable duration of the condition. However, the health care provider may not disclose the underlying diagnosis without the consent of the patient.

Employers are not required to pay employees during a CFRA leave. An employer may require an employee to

use accrued vacation time or other accumulated paid leave other than sick time. If the CFRA leave is for the employee's own serious health condition, the use of sick time can be required.

If you believe that you are eligible for a protected leave of absence, please contact Human Resources at [admim@familyinhomecare.com](mailto:admim@familyinhomecare.com) or call 805-458-0002 .

### **10.3. Paid Sick Leave**

#### **10.3.1. California - Healthy Workplace Healthy Families Act**

An employee, who works in California for 30 or more days within a year from the beginning of employment, is entitled to paid sick leave. Employees, including part-time and temporary employees, will earn at least one hour of paid leave for every 30 hours worked each calendar year of employment up to a maximum accrual of forty-eight (48) hours. Beginning on the 90th day of employment, eligible employees may begin to use paid sick leave as it is accrued, up to a maximum of forty-eight (48) hours. Accrued but unused sick leave will carry over each year, subject to a total accrual cap of 48 hours.

Accrual begins on the first day of employment.

An employee accrues paid sick days at the rate of one hour per every 30 hours worked and not fractions thereof.

An employee's use of paid sick days is limited to 24 hours in each year of employment and is paid at the employee's current rate of pay.

#### **10.3.2. Arizona - The Fair Wages and Healthy Families Act**

In Arizona, employees begin accruing paid sick time from his or her first day of employment. The paid sick time year runs from anniversary to anniversary of your employment date. Eligible employees will accrue one (1) hour of paid sick time for every thirty (30) hours worked, up to a maximum accrual of forty (40) hours of accrued paid sick time per year. Beginning on the 90th day of employment, eligible employees may begin to use paid sick time as it is accrued, up to a maximum of forty (40) hours of accrued paid sick time per a year. Accrued but unused paid sick time will carry over each year, subject to a total accrual cap of 80 hours. If you accrue a total of 80 hours of unused paid sick time and do not use any of it, only 40 hours of that unused paid sick time may be carried forward to the following paid sick time year (that year will also be subject to a total accrual paid sick time cap of 80 hours).

#### **10.3.3. Leave Policies**

Leave under these policies may be used in connection with the diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or the employee's family member. "Family member" for purposes of this policy includes a spouse, registered domestic partner, child (regardless of the child's age), parent (including a step-parent or parent-in-law), grandparent, grandchild, or sibling. Leave under this policy may also be used by an employee who is a victim of domestic violence, sexual assault, or stalking to seek aid or medical attention, obtain services or counseling, or participate in safety planning.

Employees requesting time off under this policy must provide as much advance notice as possible, if the need for leave is foreseeable. Where your need for paid sick leave is unforeseeable, you must provide notice as soon as practicable. Accrued, unused time under this policy will not be paid out at the time of separation from employment. However, employees who are re-employed with the Company within a year of separation will have any unused paid sick leave accrued under this policy reinstated. If permitted by



law, the Company may request a doctor's note, including for requests for unpaid leave in excess of leave permitted under this policy.

Leave under this policy may run concurrently with leave taken under local, state or federal law, including leave taken pursuant to the California Family Rights Act or the Family and Medical Leave Act. For more information regarding this policy, contact your supervisor or Human Resources.

Contact your supervisor, Human Resources or FHC's Accounting Department for detailed information on how the amount of your sick pay is calculated and the amount you are entitled to receive.

#### **10.4. Funeral Leave**

FHC will provide reasonable unpaid time off for Caregivers to attend funerals of friends and loved ones. In the event of a death in the immediate family of the Caregiver, up to three days unpaid time off may be granted to attend to family matters and funeral arrangements. Additional unpaid time off may also be granted. Contact a FHC Staff Member concerning your specific needs.

#### **10.5. Jury and Witness Duty Leave**

All FHC Caregivers are eligible for this leave and the Company will not discharge or in any manner discriminate against a Caregiver for taking time off to serve as required by law on an inquest jury or trial jury, if the Caregiver, prior to taking the time off, gives reasonable notice to FHC that she or he is required to serve.

- A. FHC will not discharge or in any manner discriminate or retaliate against a Caregiver, including, but not limited to, a Caregiver who is a victim of a crime, for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding.
- B. FHC will not discharge or in any manner discriminate or retaliate against a Caregiver who is a victim of domestic violence or a victim of sexual assault for taking time off from work to obtain or attempt to obtain any relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or her or his child.
  - a. As a condition of taking time off for a purpose set forth in subdivision "B" above, the Caregiver shall give FHC reasonable advance notice of the Caregiver's intention to take time off, unless the advance notice is not feasible.
  - b. When an unscheduled absence occurs, the employer shall not take any action against the Caregiver if the Caregiver, within a reasonable time after the absence, provides supporting documentation to the employer. Supporting Documentation shall be sufficient in the form of any of the following:
    - i. A police report indicating that the Caregiver was a victim of domestic violence or sexual assault.
    - ii. A court order protecting or separating the Caregiver from the perpetrator of an act of domestic violence or sexual assault, or other evidence from the court or prosecuting attorney that the Caregiver has appeared in court.
    - iii. Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider, or counselor that the Caregiver was undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence or sexual assault.

## **10.6. Military Leave**

All FHC Caregivers are eligible for Military leave and the Company will provide Caregivers with up to five years of leave to serve in the military.

When a Caregiver returns from military service, they will be returned to their old position at the same rate of pay without any loss of seniority or benefits based on seniority, such as raises and vacation pay.

Employers with 25 or more Caregivers must provide 10 days unpaid leave to Caregivers while spouse is home on leave. FHC will provide a Caregiver with up to 10 days of unpaid leave when their spouse is on leave from military duty; and FHC prohibits retaliating against a qualified Caregiver for requesting or taking this leave.

## **10.7. Personal Leave of Absence**

FHC will make every reasonable effort to consider personal leaves of absence. To apply for an unpaid personal leave of absence authorization, ask your Supervisor for direction. Many factors are considered when determining eligibility for personal leave of absence and it is granted or denied solely at the discretion of FHC. When granted, the maximum allowable period is 30 days per calendar year.

## **10.8. Pregnancy and Childbearing Disability Leave**

Under the California Fair Employment and Housing Act (FEHA), a Caregiver who is disabled because of pregnancy, childbirth, or related medical conditions is eligible to take an unpaid childbearing leave ("Pregnancy Disability Leave or "PDL") of up to 4 months during the period of actual disability. FHC will also accommodate Caregivers who have work restrictions on account of a pregnancy-related disability, consistent with the Caregiver's doctor's recommendations. There is no eligibility period for this type of leave.

As stated above, a pregnant Caregiver is entitled to a pregnancy disability leave (PDL) of up to 4 months. Eligible FMLA Caregivers can then take a 12-week FMLA baby bonding leave in addition to PDL.

## **10.9. Time-Off Requests**

To request time off, all Caregivers must complete a "Caregiver's Request for Time Off of Work" form, these are available from your Supervisor. In order to properly schedule for the absence of Caregivers, please provide as much advance notice as possible. Keep in mind that it is more likely to get time off requests approved if you give substantial advance notice as your Supervisors will have more time to plan for your absence and coordinate the assignment of your job duties. There may be instances in which time off requests are denied based on departmental needs and/or other Staffing issues.

Requests for time off are normally to be requested in writing at least 2 weeks in advance of the start of the absence. Such requests will be considered on a "first come-first served" basis. The Supervisor's decision with respect to approving the absence will be communicated to the Caregiver as soon as possible after the request has been submitted. The time off request will be considered to be approved when the Caregiver receives her/his copy of the request form with a Supervisor's signature on it. Emergency situations requiring time off with less than 2 weeks' notice should be discussed with a Supervisor as early as possible. Requests for time off will not be accepted by telephone or by textmessage.

## **10.10. Voting Time Off**

Voters may take time off at the beginning or end of a shift to allow for sufficient time to vote, with up to two hours of that time being with pay.



## **Section 11. Work Performance Review**

### **11.1. Employment Entry Level, Annual, and Ongoing Check-ups**

Day 90 and Annual Check-ups offers all Caregivers a brief and formal visit with his or her immediate Supervisor(s). Your first 90 days at FHC are referred to as the "Introductory Period". During your Introductory Period you will be assigned FHC's Foundational Caregiving Training and your personnel file will be completed (including all required certifications and documentation). Foundational Training should be completed by the Day 90 Check-up. Your contributions to your department and FHC will be reviewed, praised, kindly critiqued and documented thereafter on an annual basis. Check-ups are a time for you and your Supervisor to establish plans for your growth and skill set development. You are encouraged to request additional training as is needed during your employment. All performance reviews will become a permanent part of your personnel file.

### **11.2. Employment Evaluation**

All Caregivers will be evaluated on or around their 90<sup>th</sup> day of employment and thereafter on an annual basis. Your immediate Supervisor will be responsible for evaluating your performance, reliability and compatibility with co-workers and Clients.

## **Section 12. Discipline Policy**

### **12.1. Grounds for Disciplinary Action**

The company reserves the right to discipline and/or terminate any Caregiver who violates company policies, practices or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination.

The following actions are unacceptable and considered grounds for disciplinary action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that this company does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace;
- Possessing, distributing or being under the influence of illicit controlled substances;
- Being under the influence of a controlled substance or alcohol at work, on company premises, or while engaged in company business;
- Unauthorized use of company property, equipment, devices or assets;
- Damage, destruction or theft of company property, equipment, devices or assets;
- Removing company property without prior authorization or disseminating company information without authorization;
- Falsification, misrepresentation or omission of information, documents or records; lying; insubordination or refusal to comply with directives;
- Failing to adequately perform job responsibilities;
- Excessive or unexcused absenteeism or tardiness;
- Disclosing confidential or proprietary company information without permission;
- Illegal or violent activity;
- Falsifying injury reports or reasons for leave;

- Possessing unauthorized weapons on premises;
- Disregard for safety and security procedures;
- Disparaging or disrespecting Supervisors and/or co-workers; and
- Any other action or conduct that is inconsistent with company policies, procedures, standards or expectations.

This list exhibits the types of actions or events that are subject to disciplinary action. It is not intended to indicate every act that could lead to disciplinary action. The company reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case.

## **12.2. Insubordination**

Supervisors and Caregivers should interact with mutual respect and common courtesy. Caregivers are expected to take instruction from Supervisors or other persons of authority. Failure to comply with instructions or unreasonably delaying compliance is considered insubordination. Acts of insubordination are subject to disciplinary action, up to and including termination.

If a Caregiver disagrees with a Supervisor, the Caregiver should first try to mediate the situation by explaining their position. If possible, a compromise might be met and accusations of insubordination avoided.

## **12.3. Procedures**

Disciplinary action is any one of a number of options used to correct unacceptable behavior or actions. Discipline may take the form of oral warnings, written warnings, probation, suspension, demotion, discharge, removal or some other disciplinary action, in no particular order. The course of action will be determined by the company at its sole discretion as it deems appropriate.

## **12.4. Termination**

- A. Employment with the company is on an at-will basis and may be terminated voluntarily or involuntarily at any time.

Upon termination, a Caregiver is required to:

- Continue to work until the last scheduled day of employment;
- Turn in all reports and paperwork required to be completed by the Caregiver when due and no later than the last day of work;
- Return all files, documents, equipment, keys, access cards, software or other property belonging to the company that are in the Caregiver's possession, custody or control, and turn in all passwords to his/her Supervisor;
- Participate in an exit interview as requested by the Caregiver's Supervisor.

B. Voluntary Termination

The company recognizes that personal situations may arise which require a voluntary termination of employment. Should this occur, the company requests that the Caregiver provide two weeks advance notice in writing. This request does not alter a Caregiver's at-will relationship with the company.

All rights and privileges of employment with the company terminate upon the date of separation in accordance with appropriate State and Federal laws.

### C. Final Paycheck

Caregivers who terminate employment with the company will be given their final pay check as required by state law. Should the Caregiver be unable to personally retrieve their paycheck, it will be mailed to the address on file upon the Caregiver's request.

## **Section 13. Caregiver Health and Safety**

When on duty in the event of an emergency, dial 911 immediately. If you hear a fire alarm or other emergency alert system, proceed quickly and calmly to the nearest exit of the residence of duty.

### **13.1. Personal Safety**

At FHC the safety of our Caregivers is a top priority. We will make every effort possible to ensure the safest working environment possible. If you have suggestions or concerns discuss them with your immediate Supervisor or FHC Staff Member. If you feel you are in danger performing your job duties, stop working and report the hazard to your immediate Supervisor.

### **13.2. Domestic Violence Statement**

FHC recognizes that domestic violence can have an adverse impact on Caregiver job performances and may also impact co-worker's performance.

FHC will assist Caregivers affected by domestic violence, both the victim and the abuser within reasonable guidelines. Information will remain confidential as long as the safety of others is not at risk.

### **13.3. Workplace Safety – FHC's Code of Safe Practices**

You are working for an organization that is sincere in its desire to conduct all of its operations in the safest manner possible. It is our policy that everything possible will be done to protect Caregivers, Clients, and visitors from accidents. Compliance with the Code of Safe Practices listed below will assist us in achieving these objectives. These rules are minimum guidelines for working safely. Failure by a Caregiver to comply with safety rules will be grounds for corrective discipline, including discharge from employment. Supervisors shall insist that Caregivers observe all applicable FHC, State, and Federal safety rules and practices and take action as necessary to obtain compliance.

### **13.4. Client Facilities Security**

It is the responsibility of all Caregivers to make sure the Client's residences are secure. This includes, but is not limited to, turning off appropriate lights and closing and locking all doors and windows.

Report any potential security risks to your immediate Supervisor.

### **13.5. Client Safety:**

1. When transferring a Client:
  - A. Tell the Client what you plan to do.
  - B. Get verbal confirmation from Client that they understand and will cooperate.
  - C. Remember principles A - Babove.
  - D. Brace your knees and feet.
  - E. Use any equipment aids available.

- F. Make sure the floor is CLEAR OF HAZARDS.
  - G. Make sure neither you nor the Client are wearing slippery footwear.
  - H. Lock or secure equipment so that it does not roll or slide.
2. Fall Prevention:
- A. Falls are a serious risk with some Clients. To lessen the risk.
  - B. Rooms should be uncluttered.
  - C. No electrical cords should be in the walkways.
  - D. Keep night table within the reach of the Client's bed.
  - E. Encourage the Client to ask for assistance.
  - F. Tubs and showers should have non-skid surfaces or mats.
  - G. Use bedside rails where warranted.
  - H. Clients should not wear "slippery" footwear.

### **13.6. Electrical Safety:**

1. Caregivers are to immediately report any electrical problems to the Client and their Supervisor and then record the same in the Activity Log.
2. Do not overload electrical outlets or use multiple socket extension cords. Overloading causes wires to heat up resulting in short circuits and fires.
3. Report and remove from use any electrical fixture or device that is not working properly or has exposed or frayed wires.
4. Protect electrical cords from damage by not walking or moving equipment over them.
5. Remember - electricity and water do not mix.

### **13.7. Fire Safety:**

1. No flammable materials, sparking materials, petroleum products or open flames are to be used when Oxygen is in use.
2. Supervise Clients who may not be physically or mentally capable of handling their own smoking materials.
3. Keep combustible material (cardboard, paper, clothing) away from heat sources (heaters, light bulbs, electrical appliances).
4. Have an emergency exit route and plan in case of a fire.
5. In the event there is reason to believe there is a fire, get the Client and yourself out of the building or residence of duty immediately.
6. In case of a fire, sound alarm and evacuate the Client immediately.

### **13.8. General Safety Practices:**

1. Report any and all unsafe conditions and equipment to your Supervisor or Manager.
2. Caregivers must advise their Supervisors of all accidents, injuries or illnesses that occur while at work

as soon as possible after the incident. All accidents, injuries or illnesses that occur while at work must be reported immediately no matter how slight they may appear.

3. Anyone known to be under the influence of intoxicating liquor or drugs shall not be allowed on the job in that condition.
4. Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or wellbeing are prohibited.
5. Means of egress in the office shall be kept unblocked, well lit, and unlocked during normal working hours.
6. In the case of fire, sound alarm and evacuate.
7. Upon hearing fire alarm, stop work and proceed to the nearest clear exit. Gather at the designated location.
8. Only trained workers may attempt to respond to fire or other emergency.
9. Exit doors must comply with fire safety regulations during business hours.
10. Stairways should be kept clear of items that can be tripped over, and all areas under stairways that are egress routes should not be used to store combustibles.
11. Materials and equipment will not be stored against doors or exits, fire ladders, or fire extinguisher stations.
12. Aisles must be kept clear at alltimes.
13. Work areas should be maintained in a neat, orderly manner. Trash and refuse are to be thrown in proper waste containers.
14. All spills must be wiped up promptly.
15. Never stack material precariously on the top of file cabinets or other relatively high places.
16. Do not stack materials in an unstable manner.
17. Report exposed wiring and cords that are frayed or have deteriorated insulation so that they can be repaired promptly.
18. Maintain sufficient access and working space around all electrical equipment to permit ready and safe operations and maintenance.
19. All cords running into walk areas must be taped down or inserted through rubber protectors to preclude them from becoming triphazards.
20. All electrical equipment should be plugged into appropriate wall receptacles or into an extension of only one cord of similar size and capacity. Three-pronged plugs should be used to ensure continuity of ground.
21. Follow instructions. Be sure you know the right way (the safe way) to do your job. If you are not certain of the proper way to perform a task, ask your Supervisor.
22. Always use the proper lifting technique. Never attempt to lift or push an object that is too heavy. You must contact your Supervisor when help is needed to move a heavy object. Use proper body mechanics whether you are moving an object or a Client. Use the following principles when lifting or moving an object, piece of equipment, or a person, to prevent injury to YOUR back.

- A. Look over what you will be working with to decide if you need assistance. Get help if you need it. At no time are you expected to lift more than you can safely handle. It is your responsibility to request and wait for assistance.
  - B. Bend at your KNEES, and keep your back STRAIGHT. Use your strong arm and leg muscles to do the work.
  - C. Use a broad stance to maintain balance.
  - D. Do not twist your body while carrying something heavy. Move your feet to change direction. Then have your NOSE follow your TOES.
  - E. Keep weight close to your body for LESS STRAIN and MORE CONTROL.
23. Always keep toxic or flammable chemicals in closed containers when not in use.
24. Be aware of the potential hazards involving the various chemicals stored or used in the workplace.
25. Cleaning supplies should be stored away from edible items on kitchen shelves, counters, and cupboards.

### **13.9. Housekeeping Safety:**

- 1. Do not pick up broken glass. Sweep it up. Pick up fine splinters and chips of glass with a damp cloth, towel, or cotton.
- 2. Do not leave brooms, mops, buckets, etc. in any traffic area.
- 3. Do not stand on the edge of a bathtub.
- 4. Inspect any object you are going to lift or move for sharp corners, nails, or other hazards that might cause injury.
- 5. Return equipment and materials to the proper storage place after use.
- 6. Wipe up all spills immediately.
- 7. Avoid running equipment cords across stairs, walkways, or wet areas.
- 8. Do not handle soaps and other cleaning products without gloves or scoops.
- 9. Adhere to all warning labels and directions on any cleaning products used in the course of performance of duties.

### **13.10. Laundry Safety:**

- 1. Floors in the laundry area should be kept dry.
- 2. Liquid or dry spills should be cleaned up immediately.
- 3. Avoid touching any part of equipment that may be hot.
- 4. Keep hands away from any moving part of the equipment.
- 5. Caregivers are to immediately report any broken or missing washing machine or dryer parts to the Client and their Supervisor, and then record the same in the Activity Log.

### **13.11. Hazard Communication Program**

FHC intends to provide information about chemical hazards and other hazardous substances, and the control of hazards via our comprehensive Hazard Communication Program which includes container labeling, Material Safety Data Sheets (MSDS) and training. The Illness, Injury Protection Policy (IIPP) Program Administrator has the overall responsibility of implementing and monitoring this plan.

#### **1. Container Labeling**

It is the policy of FHC that no container of hazardous substances will be released for use until the following label information is verified:

- A. Containers are clearly labeled as to content.
- B. Appropriate hazard warnings are noted.
- C. The name and address of the manufacturer are listed.

The overall responsibility for this has been assigned to the Program Administrator.

To further ensure that Caregivers are aware of the hazards of materials used in their work areas, it is our policy to label all secondary containers.

The Manager will ensure that all secondary containers are labeled with an extra copy of the manufacturer's original label or with generic labels that have a space for identity and space for the hazard warning.

#### **2. Material Safety Data Sheets (MSDS)**

Copies of MSDS for all hazardous substances to which Caregivers in each office may be exposed to shall be maintained in each Branch Office. The Program Administrator or designee shall be responsible for obtaining and distributing the MSDS sheets to the individual Branch Offices.

The Program Administrator or designee will review incoming data sheets for new and significant health/safety information. She/He will ensure that any new information is passed on to the Manager to be passed on to Caregivers.

MSDS shall be available to all Caregivers in their respective Branch Office for review during normal working hours. If MSDS are not available or new hazardous substance(s) in use do not have MSDS please contact your Manager or Program Administrator immediately.

#### **3. Caregiver Information and Training**

Caregivers are to attend a health and safety orientation at the time of hire set up by the Manager or her/his designated Staff Member prior to starting work for information and training on the following:

- A. Where applicable, an overview of the requirements contained in the Hazard Communication Regulation, including their rights under the Regulation.
- B. Inform Caregivers of any operations in their work area where hazardous substances are present.
- C. Location and availability of written hazard communication program.
- D. Physical and health effects of the hazardous substances.
- E. How to lessen or prevent exposure to these hazardous substances through usage control, work practices, and personal protective equipment

F. Emergency and first aid procedures to follow if Caregivers are exposed to hazardous substances.

#### 4. Informing Contractor

To ensure that outside contractors work safely in our facilities, the Branch Managers will provide contractors with the following information:

- A. Hazardous substances to which they may be exposed to while on the job site.
- B. Precautions the Caregivers may take to lessen the possibility of exposure by usage of appropriate protective measures. If anyone has questions about this plan please contact your immediate Supervisor or the Program Administrator.

### **13.12. Infection Controls and Prevention Practices**

#### 1. Universal Precautions

Universal Precautions are a simple set of effective practices designed to protect health workers and their Clients from infection with a range of pathogens including bloodborne viruses. These practices are used when caring for all Clients regardless of diagnosis or level of care. They are applied universally. It is not feasible, effective or cost-effective to test all Clients for all pathogens prior to giving care in order to identify those who are infected and take precautions only with them. Knowing a patient is infected does not prevent occupational exposure to blood. Thus, decisions regarding the level of precautions to use are based on the nature of the care and not on the actual or assumed serological status of the patient. It is not safe to take precautions only with those from so-called risk groups for infection with bloodborne pathogens as many people belonging to risk groups are not infected and many infected people do not belong to risk groups. In practice, the implementation of Universal Precautions includes the following interventions:

- Hand washing after any direct contact with patients
- Safe collection and disposal of needles or other sharps in or about the residence of duty
  - REMINDER: FHC Caregivers are to perform only non-clinical care services (i.e. you are prohibited from performing injections, finger pricks and/or wound care on all FHC Clients).
- Wearing gloves for contact with body fluids, skin and mucous membranes
- Wearing a mask, eye protection and a gown (and sometimes a plastic apron) if blood or other body fluids might splash
- Covering all cuts and abrasions with a waterproof dressing
- Promptly and carefully cleaning up spills of blood and other body fluids
- Using a safe system for health care waste management and disposal Universal precautions apply to:
  - Blood and other body fluids containing visible blood
  - Semen and vaginal secretions
  - Cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid and amniotic fluid
  - Feces
  - Urine



- Vomit
- Sputum
- Nasal secretions

Universal precautions do **not** apply to:

- Sweat
- Tears
- Saliva

Barrier protection should be used at all times to prevent skin and mucous membrane exposure to blood, body fluids containing visible blood, or other body fluids. Barrier protection should be used with all tissues.

Examples of protective barriers include gloves, gowns, masks and protective eyewear. The type of barrier protection used should be appropriate for the type of procedures being performed and the type of exposure anticipated.

Gloves are to be worn when there is potential for hand or skin contact with blood, other potentially infectious material, or items and surfaces contaminated with these materials.

Wash hands or other skin surfaces thoroughly and immediately if contaminated with blood, body fluids containing visible blood, or other body fluids to which universal precautions apply.

Wash hands immediately after gloves are removed. Change gloves between physical contacts with Clients.

Do not wash or disinfect surgical or examination gloves for reuse.

General-purpose utility gloves (i.e. rubber household gloves) should be used for housekeeping chores involving potential blood contact. Utility gloves can be decontaminated and reused.

Gloves should be disposed of if they are peeling, cracked, discolored, have holes or tears.

Infection control is an important and ongoing concern for healthcare workers. By observing universal precautions, workers can protect themselves and others by preventing the transmission of disease.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parental contact with blood or other potentially infectious materials that may result from the performance of a Caregiver's duties.

"Other potentially infectious materials" includes the following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any bodily fluid visibly contaminated with blood, and all bodily fluids in situations where it is difficult or impossible to differentiate between body fluids.

#### A. Exposure Determination

1. Some of the Caregivers in the following job classifications have the potential for occupational exposure; dependent upon the nature of the case the Caregiver will be working:
  - a. Caregiver

- b. Care Manager
  - c. Branch Manager
2. FHC will identify to its Caregivers each case, on a case-by-case basis, based on the various duties required for each specific Client assisting that person with her/his activities of daily living, as to whether or not there is occupational exposure associated with working that case. If you feel there is a potential for exposure please report this situation to your Supervisor(s) and request the appropriate personal protective equipment.
- B. Methods of Compliance
1. In general, universal precautions are to be observed to prevent contact with blood or other potentially infectious materials. Universal precautions are an approach to infection control. According to the concept of universal precautions, all human blood and certain bodily fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens
  2. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.
  3. Under circumstances where differentiation between bodily fluid types is difficult or impossible, all bodily fluids shall be considered potentially infectious materials.
  4. Caregivers are required to wash their hands and other skin with soap and water or flush mucous membranes with water immediately, or as soon as possible, following contact of such body area with blood or other potentially infectious material.
  5. Caregivers are required to wash their hands immediately, or as soon as possible, following the removal of gloves or other personal protective equipment.
  6. Hand washing facilities should readily be accessible at all residences of duty to all Caregivers.
  7. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is reasonable likelihood of occupational exposure.
  8. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or counter tops where blood or other potentially infectious materials are present.
  9. All procedures involving potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.
  10. Equipment that may have become contaminated with potentially infectious materials should be identified and the situation immediately communicated to a FHC Staff Member. The Staff Member will contact the appropriate DME Company to report the possible contamination.
- C. Personal Protective Equipment
1. When there is occupational exposure, FHC will provide its Caregivers with appropriate personal protective equipment in the appropriate sizes.
  2. FHC will repair or replace its personal protective equipment as needed to maintain its effectiveness.
  3. All Caregivers will remove all personal protective equipment before leaving the workplace.

4. Caregivers will wear gloves when it can be reasonably anticipated that the Caregiver may have hand contact with blood or other potentially infectious materials, mucous membranes, or non-intact skin.
  5. Caregivers shall replace disposable gloves as soon as practical when contaminated or as soon as possible if they lose their ability to function as a barrier. Disposable gloves are not to be reused.
  6. Utility gloves may be decontaminated for reuse if the integrity of the glove is not compromised. If the gloves exhibit signs of deterioration, they must be discarded.
- D. Contaminated Laundry
1. Caregivers shall handle contaminated laundry as little as possible with a minimum of agitation.
  2. Caregivers who have contact with contaminated laundry shall wear protective gloves and other appropriate personal protective equipment as required.
- E. Hepatitis B Vaccination
1. FHC will make available to its Caregivers, at no cost to the Caregiver, who have occupational exposure to the following under the conditions stated:
    - a. The hepatitis B vaccination series, and boosters if required, shall be made available in the event of an exposure incident.
    - b. Caregivers may elect to decline the hepatitis B vaccination series offered by the employer. Caregivers who decline must sign a statement form verifying they have declined.
- F. Reporting an Exposure Incident, Post-Exposure Evaluation and Follow-up
1. In the event of an exposure incident, the exposed Caregiver shall immediately call her/his Supervisor to report such incident. The Staff Caregiver receiving this report will document this event on FHC's Incident Report Form. This documentation shall include, if possible, the identification of the individual source(s), the route(s) of exposure, and the circumstances under which the exposure occurred. The Staff Member will then initiate the following procedures:
    - a. Following a report of an exposure incident FHC shall make immediately available to the exposed Caregiver a confidential medical evaluation and follow-up including the following elements:
      - Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.
      - Identification and documentation of the source individual, unless FHC can establish that identification is not possible or prohibited by state or federal law.
      - The source individual's blood shall be tested as soon as possible after consent is obtained to determine infectivity. If consent cannot be obtained, FHC will document that legally required consent could not be obtained.

- The exposed Caregiver shall be informed of the source individual's blood testing and informed on the applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.
- The exposed Caregiver's blood will be collected and tested after consent is obtained.
- FHC will obtain and provide the Caregiver with a copy of the evaluating health care professional's written opinion within fifteen days of the completed evaluation. The health care professional's written opinion for post-exposure and follow-up shall be limited to the facts that the Caregiver has been informed about the results of the evaluation and that the Caregiver has been told about any medical conditions resulting from exposure which requires further evaluation or treatment.

#### G. Caregiver Training for Occupational Exposure

FHC will train its Caregivers in accordance with state and/or federal laws for occupational exposure at the time of initial assignment to tasks where occupational exposure may take place and at least annually thereafter.

### **13.13. Tuberculosis Control Program**

The following are the policies and procedures for identifying and managing Clients who may have or have been diagnosed with active TB:

1. When FHC provides services for a Client who has been determined to be at risk for tuberculosis, Staff and Caregivers should maintain active surveillance for tuberculosis between Client, personnel and for skin test conversions among personnel. Early indications of tuberculosis include: listlessness, vague chest pain, pleurisy, anorexia, fever, and weight loss. Night sweats, pulmonary hemorrhage, exportation of purulent sputum, and dyspnea develop as the disease develops.
2. When tuberculosis is suspected by a FHC Caregiver, she/he should immediately bring it to the attention of a Staff Member. FHC will contact the appropriate health agencies so appropriate action can be taken.
3. At the time of hire, all personnel, including those with a history of Bacillus of Calmette and Guerin (BCG) vaccinations, are to have a Mantoux tuberculin skin test, unless the Caregiver can provide documentation of a previous negative reaction to the skin test or completion of adequate prevention therapy or adequate therapy for active disease can be documented within the previous twelve (12) months. Administration and interpretation of this skin test, and periodic evaluations as required will be provided to Caregivers at no cost to the Caregiver.
4. Caregivers with a documented history of a positive tuberculin test, or adequate treatment for disease or preventative therapy for infection are exempt from further screening unless they develop symptoms suggestive of tuberculosis.
5. All personnel are required to receive a Mantoux tuberculin skin test annually on or about the anniversary date of their last tuberculin skin test.
6. The cost of the administration and interpretation of this skin test, and periodic evaluations as required may be reimbursed to Caregivers.

7. Caregivers with +PPD, or with skin tests conversion on repeat testing, or who are exhibiting symptoms of active disease will be evaluated and managed according to the directives of the public health authorities and in compliance with applicable state and federal laws.
8. In the event a Caregiver is to provide services for a Client with suspected or confirmed infectious disease, respiratory protection will be worn when entering the room housing the individual or when transporting the individual in a closed vehicle. When respirators are required, FHC will provide respirators that are applicable and suitable for the purpose intended.
9. In the event a Caregiver is required to use a respirator, the Caregiver will receive the following training before respirator use, and the reasons for the need of respirator protection.
  10. The nature, extent, and effects of the respiratory hazards to which the Caregiver may be exposed
  11. What efforts are being made to eliminate the need for respirators?
  12. An explanation of why the particular type of respirator has been chosen for the specific respiratory hazard.
  13. An explanation of the operation, the capabilities, and the limitations of the respirator selected.
  14. Instruction on inspecting, donning, checking the fit of, and wearing the respirator.
  15. An opportunity for the Caregiver to handle the respirator, learn how to don and use it properly, check its seals, wear it in a safe atmosphere, and wear it in a test atmosphere.
  16. Instruction on how to recognize and cope with emergency situations.
  17. Instructions as needed for special respirator use.
  18. Regulations concerning respirator use.
19. In the event a Caregiver is assigned to provide services for a Client who has been diagnosed with an active case of TB, the following procedures will be implemented:
  20. The Caregiver will wear appropriate respiratory protection when entering the room housing the infected individual or when transporting the individual in a closed vehicle.
  21. Respiratory precautions in the residence of duty will continue to be practiced by the Caregiver until FHC informs the Caregiver that it has been notified by the appropriate medical professional and/or local health department that respiratory precautions are no longer required for the infected Client.
  22. The Caregiver will use Universal Precautions while providing services.
  23. Before providing services, the Caregiver will have the opportunity to receive a PPD test and thereafter as recommended by the local health department.

#### **13.14. Emergency Action Plan**

The overall administration and monitoring of this program is assigned to the IIPP Program Administrator. She/he has designated the Branch Manager responsible for the implementation and maintenance of the Emergency Action Plan with all Caregivers of her/his office.

##### **1. Emergency Conditions and Basic Staff Response**

During emergency situations remain calm and follow the guidelines as listed below. Panic during emergency

situations is detrimental to everyone's' welfare.

For Caregivers who are providing care-giving responsibilities, it is your duty, to the best of your ability, to ensure the safety and well-being of the Client you are providing services for. In case of emergency action is required, Caregivers are required to assist Clients in a safe and orderly manner.

## 2. Procedures for the Death of a Client While FHC is on Duty

Any time there is a death of a Client, and FHC is on duty, the Caregiver is required to notify the office immediately. During normal working hours, a Staff Member will respond to the Client's home, unless otherwise directed by the family. The Staff Member may relieve the Caregiver or assist her/him with the closure for the family. Whether the Staff Member reports to the home or not, all of FHC's property (log book, unused gloves, Gait belts, etc.) should be personally obtained and returned to the office. Please follow the direction of the Staff Member you speak with in this instance.

When a Client's condition becomes such that it is a possibility or likelihood, in the opinion of the Caregiver on duty, the Client is soon or immanently going to expire, that Caregiver is to call the office and inform a Staff Member. Then the office will contact the designated persons involved with the case, such as:

- All other FHC Staff Members
- Emergency personnel as required by the case
- The Home Health Nurse
- The Hospice representative (if applicable)
- Family members
- The treating physician
- Other designated persons or agencies

## 3. Earthquake

- A. Initial Response - Duck and Cover. Protect yourself, and Client if applicable, by taking a step or two to improve safety. Get yourself, and Client if applicable, under a table. Get yourself, and Client if applicable, away from items that are likely to fall. Protect yours and the Client's if applicable, heads.
- B. Secondary Response - Assess the damage to you, the Client, and the area nearby if applicable. Take appropriate defensive action.
- C. Report status to a Staff Member at your Branch Office as soon as possible after the earthquake.

## 4. Fire, Smoke or the Smelling of Something Burning

- A. Initial Response - Rescue the Client, others, and yourself in immediate danger and situate well away from any fire danger. Sound the alarm for fire, if applicable. Assure their wellbeing and then call 911 to report the fire if possible or have neighbors call. Contain the fire as much as possible by closing doors and windows, sealing off fire area. Extinguish fire if safe to do so.
- B. Secondary Response - Use an extinguisher to put out the fire. Pull the pin. Aim the hose. Squeeze the handle. Sweep from side to side.

- C. Evacuate the Client, others, and yourself from the premises if imminent fire danger is evident or instructed to do so by Staff Members or Fire Department or law enforcement personnel. Report incident and status to a Staff Member as soon as possible.
- 5. Evacuation - When remaining in the area may be hazardous to life, health, or safety.
    - A. Initial Response - Only evacuate when instructed to do so by a FHC Staff Member, Fire Department, or law enforcement personnel. Notify all others in the area and/or the Client and all persons in the residence of duty of the need to evacuate. Evacuate the Client and all others to the place designated to be safe by the Fire Department or law enforcement personnel. Take records/Activity Log, if safety permits.
    - B. Secondary Response - Report to designated assembly area and account for all those for whom you had responsibility for and were in the area.
    - C. Report evacuation status to a FHC Staff Member as soon as possible after the evacuation and report status and any persons not accounted for.
  - 6. Unusual Incident - An incident not covered by other plans
    - A. Initial Response - Clear the area and notify an FHC Staff Member at the Office of the incident.
    - B. Follow instructions from FHC Staff Member.
    - C. Complete report of the incident.

### **13.15. Violence**

Threats of violence and acts of violence are strictly prohibited. Caregivers threatening or committing acts of violence will be subject to appropriate disciplinary action, up to and including dismissal. Report any such activity to your immediate Supervisor or a FHC Staff Member.

### **13.16. Weapons**

Weapons are generally defined as guns, knives and other objects universally considered a weapon by the vast majority of society. A "weapon" can also be any object that would do harm to another when used as such. FHC will deem any such object a "weapon" for the purpose of enforcing this policy. Possession of weapons is prohibited on Company property and while on duty performing Company business at any location.

Any Caregiver on duty or on Company premises in possession of a weapon will be subject to appropriate disciplinary action, up to and including dismissal. Report any weapon possession to your immediate Supervisor or a FHC Staff Member.

### **13.17. Workplace Security**

#### **13.17.1. Confidential Information Security**

As a matter of course Caregivers of FHC will have access to confidential and proprietary information. This information includes, but is not limited to, personnel information, pricing, Client lists, contractual agreements, and intellectual property and marketing/sales strategies. It is a condition of employment that you not disclose this information to third parties during or after employment. Disclosure of FHC confidential information without express written approval is prohibited.



### **13.17.2. HIPAA Compliance Statement**

The privacy of all medical records and other individually identifiable health information must be protected at all times. Information relating to a patient's health care history, diagnosis, condition, treatment, or evaluation shall be considered individually identifiable health information. Confidentiality of this health information must be maintained at all times, and may only be disclosed with the express written consent of the patient.

Non-individually identifiable health information, (e.g. health information that cannot be linked to a specific patient) is not included within the definition of protected health information.

#### **1. Protect Individually Identifiable Health Information**

FHC shall not publish or otherwise make generally available any information or data that identifies a patient for purposes other than treatment, payment or other health care operations, without her or his express written consent. This does not restrict the internal use of such information or data that is required in the performance the scope of work that FHC has been engaged to perform for a Client. FHC also maintains physical, electronic, and procedural safeguards to protect individually identifiable health information. FHC is continually assessing those safeguards and making ongoing improvements to maintain and enhance our level of security for individually identifiable health information.

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#### **2. Ensure that Health Information is not used for Non-Health Purposes**

Client information can be used or disclosed only for purposes of treatment, payment, and health care operations. Health information cannot be used for purposes not related to health care without explicit authorization from the patient. For example, FHC may not access the personal health information obtained by a Hospice Agency for any purpose other than to perform the services for which FHC was engaged, unless FHC first obtains the explicit authorization of the patient.

#### **3. Maintain Health Information in a Manner to Protect Confidentiality**

All individually identifiable health information shall be maintained by FHC Caregivers in a confidential manner that prevents unauthorized use and disclosure to third parties. *For example*, FHC may share confidential information with a third party under contract or affiliated with FHC for the same purpose of performing the services for which we were or are engaged, provided that the information shall remain confidential at all times and shall be shared with only those persons that have authority to receive such information.

#### **4. Penalties for Misuse of Personal Health Information**

There are serious penalties for violation of the confidentiality of health information. Please be advised of the following:

- A. **State Penalties.** Various state laws impose criminal and civil penalties on individuals who misuse or disclose individually identifiable health information without explicit consent by the patient.

- B. Federal Penalties. HIPAA (Health Insurance Portability and Accountability Act) is a piece of federal legislation that directly addresses the privacy and security protection of individually identifiable health information. HIPAA calls for civil and criminal penalties for privacy and security violations, including:
  - a. Fines up to \$25,000 for multiple violations of the same standard in a calendar year.
  - b. Fines up to \$250,000 and/or imprisonment up to 10 years for knowing misuse of individually identifiable health information.
- C. FHC Penalties. Any Caregiver who violates the privacy and confidentiality of patient health information, through disclosure or otherwise, may be subject to disciplinary action, including dismissal of her or his employment with FHC.

The following uses and disclosures do not require a Client's consent and include, but are not limited to, a release of information contained in financial records and/or medical records, including information concerning communicable diseases such as Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS); drug/alcohol abuse; psychiatric diagnosis and treatment records and/or laboratory test results; medical history; treatment progress; and/or any other related information to:

- a. A Client's insurance Company, self-funded or third-party health plan, Medicare, Medicaid or any other person or entity that may be responsible for paying or processing for payment any portion of a Client's bill for services. Any person or entity affiliated with or representing for purposes of administration, billing and quality and risk management.
- b. Any hospital, nursing home or other healthcare facility to which a Client may be admitted.
- c. Any assisted living or personal care facility of which Client is a resident.
- d. Any physician providing a Client's care.

Contact with a Client to provide appointment reminders or information about other health activities or services we provide.

### **Acknowledgement of Discrimination, Harassment and Retaliation Prevention Policy**

By my signature below, I acknowledge that I have received a copy of this Discrimination, Harassment and Retaliation Prevention Policy. I also acknowledge that I have read and understand the contents of the Discrimination, Harassment and Retaliation Prevention Policy, and I (check one) do \_\_\_\_ do not \_\_\_\_ want to discuss this policy with my Supervisor or another Company official.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Employee Signature

### **At-Will Employment Agreement and Acknowledgement of Receipt of Employee Handbook**

Employee:

I acknowledge that I have been provided with a copy of the Family Home Care (the Company) Employee Handbook, which contains important information about the Company's policies, procedures and benefits, including the policies on Anti-Harassment/ Discrimination, Substance Use and Abuse and Confidentiality. I understand that I am responsible for familiarize myself with the policies in this handbook and agree to comply with all rulers applicable to me.

I understand and agree that the policies described in the handbook are intended as a guide only and do not constitute a contract of employment. I specifically understand and agree that the employment relationship between the Company and me is at-will and can be terminated by the Company or me at any time, with or without cause or notice. Furthermore, the Company has the right to modify or alter my position, or impose any form of discipline it deems appropriate at any time. Nothing in this handbook is intended to modify the Company's at-will employment. The at-will employment relationship may not be modified accept by written agreement signed by me and an authorized representative of the Company. This is the entire agreement between the Company and me regarding this subject. All prior or contemporaneous agreements are superseded.

I understand that the Company reserves the right to make changes to its policies, procedures or benefits at any time at its discretion. However, the at-will employment agreement can be modified only in the manner specified above. I further understand that the Company reserves the right to interpret its policies or to vary it procedures as it deems necessary or appropriate.

I have received the Company Employee Handbook. I have read (or will read) and agree to abide by policies and procedures contained in the Handbook.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Employee Signature