



**2016 ANNUAL CONVENTION AND TRADE SHOW**  
**SEPTEMBER 27-29, 2016**  
**LANCASTER COUNTY CONVENTION CENTER**

**THE CONUNDRUM OF  
 EMPLOYMENT PRACTICES**

**September 27, 2016**

Brian M. Block, ARM, ARM-P  
 Director of Risk Management

Erica J Ford, CIC  
 Insurance Executive



**AGENDA**

- **Welcome and Introduction**
- **Why Do I Want To Work For You?**
- **Let's Take A Look At Tenure**
- **Is Aging All That Bad?**
- **Employment Practices Liability**
- **Is Your Workforce Performing Professionally?**
- **Supervisory Role and Function**
- **Q&A**

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**GOALS**

- Review and refresh your knowledge about employment practices, employment practices liability and workforce management.
- Consider non-traditional ways to recruit competently and retain direct care workers.
- Learn methods to successfully let your workforce age.
- Examine pre-service and in-service training needs for your workforce.
- Learn the definition of successful supervision.

---

---

---

---

---

---

---

---

**ONE OF MANAGEMENT'S  
ESSENTIAL FUNCTIONS IS TO HELP  
INDIVIDUALS AND TEAMS OF  
INDIVIDUALS REACH THEIR FULL  
POTENTIAL**

**.....Peter Drucker**

---

---

---

---

---

---

---

---

**WHY DO I WANT TO WORK FOR YOU?**

- EMPLOYER OF CHOICE OR OCCUPATION OF CHOICE?
- WHO DO YOU WANT TO RUN YOUR BUSINESS?
- WHAT DO THE PEOPLE YOU WANT WANT AND/OR WHAT IS YOUR COMPETITION DOING?
  - OPPORTUNITY FOR PERSONAL GROWTH, GOOD SUPERVISION, JOB SECURITY, FRIENDLY CO-WORKERS, INTERESTING AND CHALLENGING WORK, OPPORTUNITY TO GIVE INPUT, FLEXIBLE WORK HOURS (WORK/LIFE BALANCE), RECOGNITION FOR A JOB WELL DONE?
  - PAY, PERKS, BENEFITS?
- WHAT ARE YOU PREPARED TO DO TO ATTRACT THE IDEAL PEOPLE?

---

---

---

---

---

---

---

---

**WHY DO I WANT TO WORK FOR YOU?**

DO YOU...

- MAINTAIN AN OPEN DOOR POLICY?
- PROMOTE FROM WITHIN?
- ENCOURAGE PASSION ABOUT YOUR BRAND?
- EMPHASIZE HEALTH AND WELLNESS?
- RECOGNIZE OUTSTANDING WORK?
- ENCOURAGE A POSITIVE BUSINESS PERSONALITY?
- OFFER PROFESSIONAL DEVELOPMENT OPPORTUNITIES?
- HAVE A MISSION UNDERSTANDABLE TO ALL?
- RECOGNIZE THAT PERKS DON'T EQUAL CULTURE?

---

---

---

---

---

---

---

---

---

---

**LET'S TAKE A LOOK AT TENURE:  
REASONS FOR TURNOVER**

- FOR-PROFIT HOMES
- HIGH WORKLOAD
- POOR STAFFING
- POOR WORKING CONDITIONS
- UNSTABLE FAMILY SITUATIONS
- "LOWER" PAY
- BENEFITS DEFICIENCY
- RIGID WORK SCHEDULE
- LACK OF ROLE CLARITY
- LACK OF APPRECIATION
- BEING UNAPPRECIATED
- AGE
- TENURE
- NO CONTROL OVER JOB PERFORMANCE

---

---

---

---

---

---

---

---

---

---

**LET'S TAKE A LOOK AT TENURE:  
REASONS FOR RETENTION**

- INVOLVEMENT IN INTERDISCIPLINARY CARE MEETINGS
- TENURE
- AGE
- EXEMPLARY CARE
- OPPORTUNITIES FOR PROFESSIONAL GROWTH
- SUPERVISION QUALITY
- QUALITY ORIENTATION
- MOTIVATING POSITIVE FEELINGS BETWEEN AIDES AND RESIDENTS
- BEING VALUED
- BEING CONSIDERED A PART OF THE CARE TEAM
- WORKING AS A TEAM
- POSITIVE RELATIONSHIPS WITH CO-WORKERS
- PERMANENT ASSIGNMENT

---

---

---

---

---

---

---

---

---

---

**LET'S TAKE A LOOK AT TENURE**

**EMPLOYEES ARE COMMITTED TO AN EMPLOYER WHO IS COMMITTED TO THEM**

...PLEASE PARDON THE REDUNDANCY...

- **OPPORTUNITIES FOR PROFESSIONAL GROWTH**
- **HIGH QUALITY LEADERSHIP AND SUPERVISION**
- **EMPLOYEE INVOLVEMENT IN DECISION-MAKING**
- **EMPLOYEE RECOGNITION**
- **ALLOW STAFF PARTICIPATION IN CARE PLANNING**
- **IMPLEMENT SELF-SCHEDULING**
- **CLEARLY COMMUNICATE WORK EXPECTATIONS AND PERFORMANCE AGAINST OBJECTIVES**

---

---

---

---

---

---

---

---

---

---

**LET'S TAKE A LOOK AT TENURE**

- **NURTURE A WORK CULTURE THAT IS "ENJOYABLE" AND FOCUSED**
- **ADDRESS UNDERPERFORMANCE ISSUES THAT EFFECT OTHERS ON THE TEAM**
- **BUILD TEAMS AND INCREASE COWORKERS SUPPORT**
- **MINIMIZE TIME SPENT ON ACTIVITIES OTHER THAN DIRECT RESIDENT CARE**
- **CALL EVERYONE BY NAME**
- **HELP STAFF COPE WITH WORK STRESS**
- **DEAL WITH BEING SHORT STAFFED**
- **INVEST IN THE FUTURE**

---

---

---

---

---

---

---

---

---

---

**IS AGING ALL THAT BAD?**

**GOOD STUFF ABOUT OLDER WORKERS...**

- **HAVE A MORE STABLE FAMILY SITUATION**
- **ARE MORE SATISFIED WITH THEIR JOBS**
- **MAY HAVE A GREATER DEGREE OF EXPERIENCE AND KNOWLEDGE**
- **DON'T TEND TO JOB HOP**
- **HAVE A LONGER TENURE ON THE JOB**
- **CAN MENTOR YOUNGER WORKERS**

**BAD STUFF ABOUT OLDER WORKERS...**

- **MAY GET HURT MORE FREQUENTLY**
- **FATIGUE AND TIRE MORE READILY**
- **INCREASE YOUR INSURANCE COSTS**
- **MAY HAVE PROTRACTED ILLNESSES**

---

---

---

---

---

---

---

---

---

---

## IS AGING ALL THAT BAD?

### DESIGN AN AGE FRIENDLY WORKPLACE

- PRIORITYZE WORKPLACE FLEXIBILITY. PROVIDE WORKERS INPUT INTO THEIR SCHEDULE, WORK CONDITIONS, WORK ORGANIZATION, WORK LOCATION AND WORK TASKS.
- MATCH TASKS TO ABILITIES. ENCOURAGE SELF-PACING, REST BREAKS AND LESS REPETITIVE TASKS.
- AVOID PROLONGED, SEDENTARY WORK. OFFER SIT/STAND WORKSTATIONS AND WALKING WORKSTATIONS. PROVIDE PHYSICAL ACTIVITY OPPORTUNITIES.
- MANAGE HAZARDS. THESE INCLUDE NOISE, SLIP/TRIP AND PHYSICAL HAZARDS.
- PROVIDE AND DESIGN ERGO-FRIENDLY WORK ENVIRONMENTS. THIS INCLUDES WORKSTATIONS, TOOLS, FLOOR SURFACES, ADJUSTABLE SEATING, BETTER ILLUMINATION, AND SCREENS AND SURFACES WITH LESS GLARE.

---

---

---

---

---

---

---

---

---

---

## IS AGING ALL THAT BAD?

### DESIGN AN AGE FRIENDLY WORKPLACE

- UTILIZE TEAMS AND TEAMWORK STRATEGIES FOR AGING-ASSOCIATED PROBLEM SOLVING. THOSE CLOSEST TO A SITUATION ARE BEST ENABLED TO FIND A SOLUTION.
- PROVIDE HEALTH PROMOTION AND LIFESTYLE INTERVENTIONS. THESE INCLUDE PHYSICAL ACTIVITY, HEALTHY MEAL OPTIONS, TOBACCO CESSATION ASSISTANCE, RISK FACTOR REDUCTION AND SCREENINGS, COACHING AND ONSITE MEDICAL CARE.
- PROACTIVELY MANAGE REASONABLE ACCOMMODATIONS AND THE RETURN-TO-WORK PROCESS. THIS SHOULD BE THE STANDARD AFTER ILLNESSES AND INJURIES THAT CAUSE WORKERS TO HAVE WORK ABSENCES.
- REQUIRE AGING OR MULTI-GENERATIONAL WORKFORCE MANAGEMENT SKILLS TRAINING FOR SUPERVISORS.

---

---

---

---

---

---

---

---

---

---

## EMPLOYMENT PRACTICES LIABILITY

- RECRUITMENT AND HIRING
- SUPERVISION
- ORIENTATION
- HOW AND WHEN TO ADDRESS CONCERNS
- DOCUMENTATION
- A REAL PERFORMANCE EVALUATION
- DISCIPLINARY ACTION - PROGRESSIVE DISCIPLINE
- THE ACCOUNTABILITY OF SUPERVISION

---

---

---

---

---

---

---

---

---

---

**EMPLOYMENT PRACTICES LIABILITY**

- COACHING NOT COUNSELING
- GRIEVANCES
- RETENTION
- REPORTING MECHANISMS
- CULTURAL SENSITIVITY, SEXUAL HARASSMENT AND THE HOSTILE WORK ENVIRONMENT
- AT WILL?
- TERMINATION VS. WRONGFUL TERMINATION
- VIOLENCE IN THE WORKPLACE

---

---

---

---

---

---

---

---

---

---

**EMPLOYMENT PRACTICES LIABILITY**

Ask your supervisors and employees...

- DO YOU UNDERSTAND YOUR JOB DESCRIPTION?
- DO YOU UNDERSTAND YOUR SCOPE OF RESPONSIBILITIES?
- DO YOU COMMUNICATE DEPARTMENTAL AND COMPANY EXPECTATIONS?
- DO YOU MANAGE EMPLOYEES AGAINST THOSE EXPECTATIONS?
- DO YOU HAVE SKILLS AT GIVING HELPFUL FEEDBACK?

---

---

---

---

---

---

---

---

---

---

**IS YOUR WORKFORCE PERFORMING PROFESSIONALLY?**

**THE KEYS TO BEING A TRUE PROFESSIONAL**

- CHARACTER
  - INTEGRITY, HONESTY, TRUTHFULNESS, TRUSTWORTHINESS
  - BEING RESPONSIBLE, ACCOUNTABLE, DILIGENT
  - DOING THE RIGHT THING AND PROJECTING A PROFESSIONAL IMAGE
- ATTITUDE
  - ADOPTING A MENTALITY OF "HOW CAN I HELP YOU?"
  - HAVING DETERMINATION
  - BEING A TEAM PLAYER
  - FOLLOWING P&P
  - EXCELLENT COMMUNICATION SKILLS

---

---

---

---

---

---

---

---

---

---

## IS YOUR WORKFORCE PERFORMING PROFESSIONALLY?

### THE KEYS TO BEING A TRUE PROFESSIONAL

- EXCELLENCE
  - CONTINUAL IMPROVEMENT
- COMPETENCY
  - RECOGNIZED EXPERTISE
  - FOLLOW-THROUGH RE: PERFORMANCE
- CONDUCT
  - MANNERS MATTER
  - LOYALTY
  - RESPECT FOR AUTHORITY
  - CONFIDENCE
  - BEING CLASSY

---

---

---

---

---

---

---

---

## IS YOUR WORKFORCE PERFORMING PROFESSIONALLY?

### PROFESSIONALS EMPLOYED BY YOUR COMPANY:

- HELP PEOPLE BASED ON THEIR PREFERENCES AND NEEDS
- RESPECT THE INHERENT DIGNITY AND WORTH OF THE PERSON
- RECOGNIZE THE CENTRAL IMPORTANCE OF HUMAN RELATIONSHIPS
- BEHAVE IN A TRUSTWORTHY MANNER
- PRACTICE WITHIN THEIR AREAS OF COMPETENCE AND DEVELOP AND ENHANCE THEIR PROFESSIONAL EXPERTISE
- AVOID SITUATIONS OF CONFLICT OF INTEREST
- MAINTAIN PRIVACY AND CONFIDENTIALITY
- SHOULD NOT ENCOURAGE OR PARTICIPATE IN PHYSICAL INTIMACY WITH CLIENTS
- SHALL NOT VIOLATE THE PRINCIPLES OF TITLE VII OF THE CIVIL RIGHTS ACT, INCLUDING SEXUAL HARASSMENT

---

---

---

---

---

---

---

---

## IS YOUR WORKFORCE PERFORMING PROFESSIONALLY?

### PROFESSIONALS EMPLOYED BY YOUR COMPANY:

- SHALL NOT USE DEROGATORY LANGUAGE IN THEIR WRITTEN OR VERBAL COMMUNICATION
- SHALL NOT DUMP CLIENTS
- SHALL TREAT COLLEAGUES AND CO-WORKERS WITH RESPECT
- SHALL NOT USE THEIR PROFESSIONAL POSITION TO FURTHER THEMSELVES PERSONALLY
- SHALL DEAL EXPEDIENTLY AND EFFECTIVELY WITH UNETHICAL, INCOMPETENT, OR IMPAIRED COLLEAGUES AND CO-WORKERS
- SHALL STRIVE TO ACHIEVE, MAINTAIN, AND FURTHER SKILLS TO MEET THE NEEDS OF THE PERSON SERVED
- SHALL NOT PARTICIPATE IN, CONDONE, OR BE ASSOCIATED WITH DISHONESTY, MISREPRESENTATION, FRAUD, OR DECEIT

---

---

---

---

---

---

---

---

## IS YOUR WORKFORCE PERFORMING PROFESSIONALLY?

### PROFESSIONALS EMPLOYED BY YOUR COMPANY:

- SHALL NOT PERMIT PRIVATE CONDUCT TO INTERFERE WITH THEIR ABILITY TO FULFILL THEIR PROFESSIONAL RESPONSIBILITIES
- WILL ACKNOWLEDGE THE WORK OF OTHERS AS MAY BE NECESSARY
- REFRAINS FROM ENTERING INTO MULTIPLE RELATIONSHIPS
- SHALL NOT EXPLOIT PERSONS OVER WHOM THEY HAVE SUPERVISORY AUTHORITY OR ARE CONSIDERED A CLIENT
- OPERATE WITH INFORMED CONSENT WHENEVER POSSIBLE
- ???

---

---

---

---

---

---

---

---

**IN GENERAL, PROFESSIONALISM IMPLIES WORKING WITH COMPETENCE AND INTEGRITY, DOING NO HARM TO CONSUMERS, DOING NO HARM TO THE REPUTATION OF THE ORGANIZATION OR PROFESSION, AND PROVIDING THE GENERAL PUBLIC WITH ADEQUATE INFORMATION SO THAT THEY CAN MAKE AN INFORMED JUDGMENT OF THE VALUE OF YOUR PROFESSION**

---

---

---

---

---

---

---

---

### Supervisory Role and Function

- 1) UNDERSTANDING ORGANIZATIONAL GOALS AND OBJECTIVES
- 2) UNDERSTANDING DEPARTMENT AND/OR PROGRAM GOALS AND OBJECTIVES
- 3) UNDERSTANDING AND FOLLOW THROUGH
  - YOUR SCOPE OF RESPONSIBILITIES
  - COMMUNICATE DIRECTLY WHAT YOU'D EXPECT FROM YOUR EMPLOYEES
  - MANAGING THOSE EXPECTATIONS
  - LISTENING TO EMPLOYEE EXPECTATIONS OF YOU
  - MANAGING THOSE EXPECTATIONS

---

---

---

---

---

---

---

---



### Supervisory Role and Function

- 4) SAFETY AND ACCIDENT INVESTIGATION
- 5) OVERSIGHT-STRICT LIABILITY CLINICAL LIABILITY: CARE, CUSTODY, AND CONTROL
- 6) SUPERVISION - INTERPRETING AND MONITORING JOB PERFORMANCE
  - PROVIDING EMPLOYEE FEEDBACK INCLUDING SUCCESSES, PERFORMANCE, COACHING AND PROGRESSIVE DISCIPLINE
- 8) NO MAJOR EMPLOYMENT PRACTICES MISTAKES
- 9) SUPERVISION AND ASSURING EMPLOYEE COMPETENCY
- 10) DOCUMENTATION

---

---

---

---

---

---

---

---

---

---

---

---

### Supervisory Role and Function

- KNOW AND/OR REVIEW AND CONSISTENTLY FOLLOW YOUR COMPANY'S EMPLOYMENT POLICIES
- EFFECTIVELY COMMUNICATE AND THEN MONITOR YOUR EXPECTATIONS FOR PERFORMANCE
- EVALUATE BY EXPECTED PERFORMANCE ONLY
- TREAT EMPLOYEES WITH DIGNITY AND TACT – TREAT ALL EMPLOYEES AS IF THEY ARE MEMBERS OF A PROTECTED CLASS
- DOCUMENT, DOCUMENT, DOCUMENT
- WHEN IN DOUBT CONSULT YOUR HR SPECIALIST

---

---

---

---

---

---

---

---

---

---

---

---

# THANK YOU

Brian M. Block, ARM, ARM-P  
 Director of Risk Management  
[bblock@bhinslv.com](mailto:bblock@bhinslv.com)  
 610-694-1846

Erica J Ford, CIC  
 Insurance Executive  
[eford@bhinslv.com](mailto:eford@bhinslv.com)  
 610-694-1861




---

---

---

---

---

---

---

---

---

---

---

---