

Employee Reporting of Abuse Policy

LBJ Residential Home does not and will not tolerate consumer neglect or abuse. Such actions will be grounds for discipline up to and including termination. Any conduct will be considered abuse or neglect when there is a malicious disregard for the needs and well-being of consumers; or failure to exercise the care that a prudent person usually exercises. Abuse of a Dependent Adult that must be reported and includes: [W&I 15630 (b)]

- 1) physical abuse
- 2) neglect
- 3) financial abuse
- 4) abandonment
- 5) isolation
- 6) abduction

Mandated Reporters

California mandates that any person who assumes full or intermittent responsibility for care or custody of an elder or dependent adult are mandated, reporters. This includes all employees and volunteers who work in Community Care Facilities.

What to Report

Department of Social Service Form SOC 341 states: "Any mandated reporter who, in his professional capacity, or within the scope of his or her employment has observed, suspects , or has knowledge of an incident that reasonably appears to be physical abuse (including sexual abuse, abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) or is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, isolation , financial abuse, abduction, or neglect, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report (SOC 341) sent within two working days to the appropriate agency. "

Effective January 1, 2013, the State Legislature amended the statute, adding "serious bodily injury," to the definition section of the Elder and Dependent Adult Civil Protection Act (W&I 15600) and, requiring Long Term Care providers to initially report suspected or alleged incidents of physical abuse, resulting in serious bodily injury, to law enforcement (See Welfare and Institution Code section 15610.67). Providers are also required to submit a written report of the incident to the local ombudsman, the corresponding licensing agency, and the local law enforcement agency within two hours of the mandated reporter observing, obtaining knowledge of, or suspecting the physical abuse.

You may report an incident of suspected Elder and Dependent Adult Abuse and Neglect to APS, by choosing one of the two options listed below:

1. Verbally report the incident by calling the:
24-hour Elder Abuse Reporting Hotline at (877) 477-3646
or call the APS Mandated Reporter Hotline at (888) 202-4248.

2. Complete the [SOC 341 form](#) and mail it to:

Sample Personnel and Abuse Reporting Policy

Smart Seminars

Adult Protective Services Center Intake
Community & Senior Services
3333 Wilshire Blvd., 4th floor
Los Angeles, CA 90010

OR You may also submit an electronic report at
<https://fw4.harmonyis.net/LACSSLiveintake/>

Please note: if you submit a report electronically, you do not need to report the incident verbally. Additionally, currently there is no option to print the electronic report, and once submitted, you will not be provided with a confirmation number. APS is currently working on adding a print option and other improvements.

Follow-up Instructions: After submitting the written report, please call APS after a couple days at (213) 351-5401 to inquire about the status of the case. Should you have any questions or concerns regarding the process or the electronic form, please contact APS at one of the numbers noted above.

Long Term Ombudsman

A report will be made to the Long Term Ombudsman office at:

(REGION V) Downtown Los Angeles and East LA area regional office:

1493 North Montebello Blvd., Suite 104, Montebello, CA 90640 **(323) 721-1343**

The Ombudsman will be notified by phone of the alleged or observed abuse. A copy of the APS report on SOC341 will be forward to the Long Term Ombudsman.

Additionally, the local **Ombudsman** should be called under the following conditions:

- Questions or concerns about the quality of care.
- Witnessing services for advanced directives
- Requesting an Ombudsman to attend a resident care plan meeting
- Requesting an Ombudsman to attend a resident or family council meeting

Community Care Licensing Office

A report of the abuse will be made to Community Care Licensing within 24 hours of the suspected or observed abuse. A copy of the APS report on APS form SOC341 will be forwarded to the Community Care Licensing office. Additionally, a report to Community Care Licensing will be recorded on CCL [License Form 624](#) (Unusual Incident/Injury Report) to:

**Department of Social Services
Community Care Licensing
Adult Division
1000 Corporate Center Drive Suite 500
Monterey Park, CA 91754**

South Central Los Angeles Regional Center: A copy of the APS report on APS form SOC341, will be forwarded to Regional Center. Additionally, a report will be made on the [Regional Center Special Incident Reporting Form](#). The abuse report shall be submitted to the regional center by telephone, fax or email immediately, but NOT more than 24 hours after learning of the occurrence of the alleged or observed abuse.

Mandated Reporter Training

All employees in their initial staff training will be informed of their responsibility to report any suspected or alleged abuse. The facility employee orientation includes an extensive review of abuse as defined by Assembly Bill (AB1805).

All employees will read and sign [SOC 341A](#) (Statement acknowledging requirement to report suspected abuse or dependent adults and elders). This form will be retained in the employee's file. All employees will watch the Video: You're Legal Duty/Reporting Elder and Dependent Adult Abuse: California Attorney General Office, Department of Justice Employees will complete the included pre-test and post-test associated with the video.

[Legal Duty Video Part 1](#)

[Legal Duty Video Part 2](#)

[California Attorney General Training Curriculum with Pre and Post Test](#)

Definition of Adult Abuse

[Assembly Bill 1805 \(AB1805\)](#) Describes abuse as the "infliction of injury, cruel punishment, or other treatment with resulting physical harm or pain or mental suffering, or the deprivation by a caregiver of good service or services which are necessary to avoid physical harm or mental suffering. Neglect is "the failure of any person having the care or custody of a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise." Abuse and /or neglect may be intentional or due to the caregiver's lack of knowledge or capacity to care for the person. Abuse may occur as:

Physical: Direct beatings, lack of food, lack of medical care, over medication, sexual exploitation, neglect.

Psychological: Verbal assaults, threats, fear and isolation.

Material: Theft, misuse of funds or property, extortion, duress, fraud.

Violation of Rights: Coercion, locking up, forced removal from home or forced entry into a nursing home, etc.

Denial of Basic Needs: Food, clothing, shelter, health care.

Employee Rights

All employees receive "Notice Employee Rights," LIC 9052 upon accepting employment at the facility. All employees during orientation process will review and acknowledge the following:

- Minimum wage

- Equal Employment Opportunity
- Department of Fair Employment and Housing
- Pay Day Notice
- Emergency phone numbers
- Time off for voting
- Safety and health protection (Cal-OSHA)
- Unemployment and disability

Facility Hiring Practices

All prospective employees of the facility shall submit a completed job application [Personnel Record Form LIC 501](#). All personnel shall be in good health, both physically and mentally, capable of performing assigned tasks and duties. Health status will be verified by health screening, including Chest-X-ray, or a PPD test, performed by a physician not more than six months prior to or seven days after employment. The health screening report confirms employee's physical qualifications to perform duties and identify any health condition that would create a hazard to other staff and or residents.

Criminal record clearance requirements

All prospective employees *before being allowed to work* in a licensed ARF must have a Department of Justice (DOJ) notice indicating that the individual has no criminal history, or has an approved criminal record exemption from the DOJ.

The facility will maintain documentation of the DOJ notice or the exemption in the facility records, and will make this information available for review by the licensing analyst.

Signed Statement by Employee

All employees shall sign [Criminal Record Statement LIC 508](#), that indicates they have not been convicted of a crime other than a minor traffic violation pending receipt criminal record clearance.

Equal Employment Opportunity

This facility is an equal opportunity employer with a standing policy of nondiscrimination. This means that all qualified persons are accorded an equal opportunity for employment or promotion without regard to race, religion, color, national origin, ancestry, disability, medical condition, pregnancy or pregnancy-related condition, marital status, sex, age citizenship or sexual orientation

Wages

Wages will be in accordance with State and Federal wage requirements. Currently California minimum wage is \$10.50 per hour. Wages are subject to review and change after first year of employment.

Time Sheets and Pay Records

The facility requires employees to sign in and out and state hours worked. Pay periods are the first (1) and fifteenth (15th) of the month. The facility will maintain accurate information with respect to time records showing when the employee begins and ends each work period. Meal periods, split shift intervals and total daily hours worked. All required records shall be in the English language.

Employee pay records are maintained by the facility/employer and provided to employees, demonstrating when and how the employees were paid, and the deductions made for the gross wages. Each employee will receive in writing, the total hours worked in a payroll period including the value of board, lodging or other compensation actually furnished to the employee.

Introductory/probationary period of employment

All newly hired employees are required to complete an introductory/probationary period of 90 days. The purpose of this time period is to allow time for evaluation of performance and capabilities prior to placing an employee on regular status. Employment, both during and after this period, is considered to be "at-will" for both employer and employee and the successful completion of this period should not be construed as guaranteeing employment for any specific duration. Completion of this introductory period, the employee will be eligible for a regular job. The original date of employment will be considered the anniversary date.

Orientation

During the first week of employment, all new employees will complete the required orientation program, which is designed to furnish them with information on the facility and to educate them in regard to facility policies and procedures.

Personnel records

The facility maintains personnel records for all employees. Information typically includes such items as application forms, performance appraisals, payroll information, warning notices, and letters of recommendation. Employees have a responsibility to ensure that their personnel files are up-to-date. The facility administrator should be notified immediately of any changes in name, address, telephone number, marital status, or person to be notified in case of emergency.

Pre-employment physical exam

Each employee shall complete a [Health Screening Report LIC 503](#) and shall receive clearance from a physician stating the employee is in good physical condition and free from communicable disease and is capable of all duties and responsibilities.

Performance Evaluations

At the end of the first six months of employment and on at least an annual basis, thereafter, the supervisor or administrator will complete a performance review. The review will be based on overall job performance and will be completed as fairly and objectively as possible.

Safety

It is the policy of this facility to provide safe working conditions for employees and to establish safety regulations necessary to ensure safe working conditions are maintained. It is also our policy to comply with all Federal, State and local regulations. It is the obligation of every employee to observe the safety rules. Employees who jeopardize their own safety and that of other employees by failing to follow the rules will be subject to disciplinary action. Employees should immediately report any health or safety hazards to the facility

administrator. Any accident or injury, no matter how slight must also be reported immediately.

All new employees will review safety procedures for care and supervision of the adults

Confidentiality

It is essential that facility business internal affairs and resident information be kept confidential. Employees are prohibited from discussing to any third party any confidential information. Violation of this policy can result in disciplinary action or dismissal.

Soliciting

Employees are prohibited from any type of sale, solicitation of financial contributions, or distribution of materials at work.

Bulletin Boards

Facility bulletin boards are used to post government and other information required by law and to communicate facility announcements and information to employees and residents. Employees may not post or take down material without obtaining permission from the administrator.

Garnishments

The facility expects employees to manage their personal finances in a responsible manner and not to involve the company in their personal business. Garnishments are very costly to the facility and adversely affect the operation. Multiple garnishments may result in disciplinary action or up to or including termination.

Benefits

This facility pays into the federal social security program, unemployment insurance and workers' compensation for qualified employees.

Meals and Rest Breaks

As an employee of a 24-hour residential care facility, staff may be required to work on-duty during meal periods. This means employees that eat with residents during their meal, the meal is provided at no charge or if the employee is in sole charge of the residents and the meal is also provided at no charge.

The employee is required to remain on the premises and maintain general supervision of residents during their rest period if they are in sole charge of the residents. If an employee break is interrupted to respond to the needs of a resident, the employer shall provide the employee with another break.

Sleep Facilities and Sleep Time

Employees on duty for 24 hours or more will have a scheduled sleeping period of not more than 8 hours for a 24 hour period and sleep facility that is separate from the residents.

If the sleeping period is interrupted by the needs of a resident, the interruption will be counted as hours worked.

If the sleep period is interrupted to such an extent that the employee cannot get a reasonable night sleep (at least 5 hours) the entire period must be counted as hours worked.

Holiday

This facility observes the following paid holidays: New Years' Day, Thanksgiving and Christmas.

Sick Pay

Eligible full-time employees receive pay for authorized absence due to illness or injury. Sick days will be accrued at the rate of ½ days per month, or a maximum of six days per the calendar year. Sick days may not be carried over from one calendar year to the next.

Medical Leave

A medical leave of absence, up to four months, will be available to eligible full-time employees unable to work because of illness or disability, including pregnancy. A note must accompany medical leave requests from your doctor, which outlines the condition causing the leave and projects the date of your return to work. Before returning to work, the employee must furnish a note from the doctor indicating that you are able to safely return to work.

Jury/Witness Duty

The facility will cooperate fully with local state and federal courts by providing leaves of absence for jury duty.

Absenteeism

It is expected that the employee will be at work, ready to work, at the scheduled time. If unable to report to work for any reasons, the employee must notify the administrator at least one hour prior to scheduled work. Failure to call in within this time frame will result in unexcused absenteeism. Excessive unexcused absences may be grounds for disciplinary action.

Tardiness

Punctuality and regular attendance are essential to the proper operation of the facility. Tardiness is defined as anything more than 15 minutes late. However repeated late arrivals or shorter duration may be grounds for disciplinary action.

Dressing and grooming standards

Clients have the right to expect staff to be clean, well groomed and appropriately dressed for their positions. All employees must wear nametags when on duty.

Travel/Meal Reimbursement

Prior supervisory approval must be obtained for all reimbursable travel related expenses. Expenses will be reimbursed only when fully documented and reported on facility forms.

Reimbursement for Auto Expense

The facility will reimburse employees for mileage and other related expenses when they use their personal cars on company business. Prior supervisory approval must be obtained for all reimbursable mileage.

Membership in Professional or Civic Organizations

The facility believes its employees should be active in both professional and civic organizations. Employees approved for membership may be reimbursed for dues, initiation fees, meeting costs and other reasonable expenses incurred for business reasons. Pre-approval by the administrator is required.

Conflict of Interest

Employees shall not engage in any conduct that is in any way disloyal or damaging to the facility. Employees or their immediate families, shall not accept gifts or gratuities from residents of firms that do business or seek to do business with the facility

Release of personnel information

Upon written request, the facilities policy is to release only information on dates of employment, job title, and duties. Employees may request that additional information is furnished for loan approval or other purposes. A signed release from must be submitted to the facility administrator.

Personal telephone calls, mail, and visitors

The telephone should be used for personal business only during breaks, lunch and before and after work. Normally, work should not be interrupted by personal telephone calls except in the case of emergency. Long distance bills should either be billed to personal calling cards or placed collect. Employees are also required to have all personal mail delivered to their home. In order to ensure facility security, and to reduce potential liability for injury, visitors are not permitted at or on the facility premises without permission.

Answering the telephone

All employees will answer the phone, by first identifying the name of the facility, and by giving their name. Orientation will include a policy for proper telephone procedures.

Harassment

This facility will not tolerate any form of employee harassment, either verbal or physical, based on race, color, religion, sex, national origin, age, disability, medical condition or marital status. It is the intent of this facility that all employees work within an environment that is free from harassment of any employee by another employee, supervisor, contractor or client.

Drugs and Alcohol

This facility strictly prohibits employees from being under the influence of drugs or alcohol while on duty, (whether or not on facility premises), while on the company premises (whether or not on duty) while operating a vehicle owned by the facility. The facility also strictly prohibits the use, sale, purchase or transfer, or possession, of alcohol, illegal drugs, hallucinogens, stimulants, sedatives or controlled substance on facility property or in facility vehicle. This includes the misuse of prescribed drugs or any mood-altering substance while on facility property. Legal prescription medications are excluded from this rule only to the extent that the use of such medication does not adversely affect the employee's work ability or job performance. Any violation of this policy may lead to termination or disciplinary action.

Prescription drugs - employees who are taking any prescribed or over-the-counter medications that could impair the employee's work performance must advise their supervisor/manager of the consumption of said medication to allow the supervisor to determine whether the employee can work without posing a safety hazard to him/her, residents or other employees.

Alcohol and/or drug screening may be required following any work-related accident or any violation of safety precautions or standards if there is reasonable cause to believe drug or alcohol use caused or contributed to the accident.

Smoking

This is a smoke-free facility. Smoking is allowed only outside the building and away from residents in designated areas.

Standards of Conduct/Facility Rules – Corrective Action

Failure to meet any of the expected performance levels of the job or the disregard for facility rules could lead to corrective action, up to and including termination.

Corrective action should be for improvement, not punishment.

In determining the appropriate corrective action, the facility will consider the seriousness of the violation, the employee's past work record, the length of service the circumstances surrounding the violation and whether the corrective action is consistent with that issued in a similar situation.

Violations that will result in immediate dismissal include:

- 1) Any verbal or physical abuse to residents or any blatant neglect.
- 2) Falsification or omission of facts on application for employment or other personal records or documents.
- 3) Theft or unauthorized removal of any facility property or property of other employees or residents.
- 4) Falsifying any facility record or report or divulging confidential facility information.
- 5) Sleeping on the job
- 6) Insubordination, refusing to follow directions or instructions or other disrespectful conduct toward supervisor.

Formal disciplinary actions consist of any one of the following:

- 1) Counseling and verbal warning
- 2) Written disciplinary action form
- 3) Suspension
- 4) Termination