



Long-Term Care Foundation

of Washington State

Please note we have started this HR Q&A from our first HR Best Practice overview series and will continue to update. We encourage you to submit more questions to shereice@ltcfwa.org.

Human Resources Q&A

Q: Do you have an employee handbook?

A: You can find and download the Employee Handbook in the Resources section on our website at www.longtermcarefoundationwa.org/resources.

Q: There are applicants who have completed training except they are waiting for their work permit and have no social security number to give to DOH when they are submitting their HCA application. What can we do for them?

A: When it is time for the applicant to submit their home care aid application to the Department of Health, there is a social security form that they can fill out to explain their situation as to why they don't have a social security number.

You are required by state and federal law to provide a social security number with your application. If you do not have a social security number at the time you send in your home care aid application, please read, complete, and return the form below with your application.

<https://www.doh.wa.gov/portals/1/Documents/Pubs/600057.pdf>

Q: Where can I find the I-9 and W-4 forms?

A: You can find the I-9 form at www.uscis.gov and the W-4 form at www.irs.gov. Please see below for direct links for the forms:

www.irs.gov/pub/irs-pdf/fw4.pdf

www.uscis.gov/sites/default/files/document/forms/i-9-paper-version.pdf



Q: In the Employee handbook it says you have to give so many days of vacation? What is mandatory to do?

A: Vacation and holiday leave are not required by Washington law, so there is nothing at the state level mandating any particular number of vacation days.

Q: What is the basis for an employee to be considered exempt or non-exempt employee?

A: The primary difference between exempt and non-exempt is their eligibility for overtime pay. Under Federal law, that status is determined by the Fair Labor Standards Act (FLSA). Exempt employees are not entitled to overtime pay, while non-exempt employees are. In order to qualify as exempt, certain criteria must be met.

Q: Is the AFHC and DSHS planning to increase the Medicaid Residents rate for us to be able to give more benefits and compensation?

A: Yes, the Medicaid reimbursement rate is negotiated between the AFH Council and DSHS every two years and the rates are published in the collective bargaining agreement. Part of the daily rate is to offset some of the costs of insurance for the provider and training.

Q: Can we have a list of caregiver job posting sites?

A:

www.indeed.com

www.connecttocarejobs.com

www.worksourcewa.com

www.simplyhired.com

www.ziprecruiter.com

www.mycnajobs.com

www.care.com



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Q: Can you explain what Paid Family and Medical Leave is?

A: Paid Family and Medical Leave is a statewide insurance program and is funded by premiums paid by the employer and employee. Employers are required to withhold this amount from each employee's paycheck. Employers with fewer than 50 employees do not have to pay the employer portion of the premium. Paid Family and Medical Leave is a program the employee can sign up for with the state on their own to provide paid time off for a qualifying event.

Please see below for more information on how Paid Family and Medical Leave works:

<https://paidleave.wa.gov/find-out-how-paid-leave-works/>

Q: Are live-in caregivers considered to be exempt employees?

A: Workers who are required to sleep or reside at the place of employment are typically exempt from minimum wage.

Q: Does Paid Family and Medical Leave include adult children?

A: Yes, Paid Family and Medical Leave does include adult children.

Q: I have an employee that works 2 days as a domestic live-in and 3 days of just daytime hours, how can I calculate the hours?

A: Calculate how many hours they are doing a live-in shift and only add the hours they are physically working. Add the 3 daytime hour shifts to the live-in hours (actual time worked). Keep in mind if they are working over 40 hours in a workweek, they would be eligible for overtime at 1.5 times their regular hourly rate.

Q: Can employees use sick leave for vacation time?

A: Under paid sick leave law, employees are not permitted to use sick leave for vacation purposes. However, if the employer offers vacation leave or paid time off (PTO), that person would be able to use those days for vacation or for sickness.



Q: What can employees use sick leave for?

A: Employees may use paid sick leave to care for their health needs or the needs of their family members. When the employee's workplace or their child's school or place of care has been closed by a public official for any health-related reason. For absences that qualify for leave under the state's Domestic Violence Leave Act. Employers may allow employees to use paid sick leave for additional purposes.

Q: How much paid sick leave does an employee get?

A: At minimum employees must be provided with one hour of paid sick leave for every 40 hours worked. You must provide paid sick leave to all your employees regardless of whether they are full-time, part-time or temporary.

Q: Is the employer required to hire an employee back after they have been on Paid Family and Medical Leave?

A: If you have 50 or more employees, your employees are eligible for job protection for the duration of their leave, provided they have worked for you for 12 months or longer and have worked 1,250 hours (about 24 hours a week) in the year before the first day they take leave.

If you have under 50 employees, you wouldn't have to hold their position. It is best practice to have some form of documentation if you are aware an employee is going on leave for an extended period. Yes, Paid Family and Medical Leave does include adult children.

Q: After an employee is terminated when is the final paycheck due?

A: Washington state law requires that final paychecks be paid on the next scheduled payday, regardless of whether the employee quits or was terminated.

Q: How do I terminate an employee for poor performance?

A: Not all situations are going to be the same, but you can make vital preparations to make the conversation go as smoothly as possible. You want to make sure that the decision is objectively based on measurable performance issues.

Properly terminating an employee due to poor performance can be summarized in the following steps:

- Document evidence regarding the employee's performance.
- Review the job description and set clear expectations with the employee.
- Follow up with the employee regarding their progress.
- Terminate the employee if they fail to meet the requirements and provide the documentation.



Q: What is the requirement before you can leave a caregiver alone with a resident?

A: At minimum, the caregiver must complete Orientation and Safety and have a valid CPR/First Aid card or certificate.

Q: What happens to my employee’s unused sick leave?

A: You can choose to “cash out” or pay an employee’s accrued, unused paid sick leave balance when their employment ends.

- Cashing out an employee’s paid sick leave is **not required**.
- Hours cashed out must be paid at an employee’s normal hourly compensation rate to be considered full reimbursement.
- If you cash out any portion of an employee’s accrued, unused paid sick leave balance when their employment ends:
 - Both the employer and employee must mutually agree, in writing, on the terms of reimbursement, OR
 - The terms of reimbursement must be prescribed in state or local law or a collective bargaining agreement.
- If you do not provide full reimbursement for an employee’s paid sick leave balance, you may have to reinstate any unpaid balance if they are rehired within 12 months.

Q: What should I do if one of my caregiver's background checks comes back with “review required”?

A: This means that one or more of the background check data sources reported criminal or negative action records that are not listed on the oversight program’s list of disqualifying crimes and negative actions. You must determine if this individual can have unsupervised access to vulnerable adults or children.

This is done via a Character, Competence, and Suitability review, per program regulations.

Q: Can you provide a list of the TB WACs?

A: TUBERCULOSIS SCREENING

HTMLPDF	388-76-10265	Tuberculosis—Testing—Required.
HTMLPDF	388-76-10270	Tuberculosis—Testing method—Required.
HTMLPDF	388-76-10275	Tuberculosis—No testing.
HTMLPDF	388-76-10280	Tuberculosis—One test.
HTMLPDF	388-76-10285	Tuberculosis—Two step skin testing.
HTMLPDF	388-76-10290	Tuberculosis—Positive test result.
HTMLPDF	388-76-10295	Tuberculosis—Negative test result.
HTMLPDF	388-76-10300	Tuberculosis—Declining a skin test.
HTMLPDF	388-76-10305	Tuberculosis—Reporting required.
HTMLPDF	388-76-10310	Tuberculosis—Test records.



Q: For newly hired employees, what are the TB requirements?

A:

TB test #1 (Must be completed within 3 days of hire)

TB test #2 (Must be completed from 1 to 3 weeks after first test)

TB Chest X-Ray (if skin test positive, x-ray must be done within 7 days of skin test)

TB Signs and Symptoms Evaluation (If employee already has a documented history of positive skin test, and has a previous chest x-ray, this evaluation must be done within 3 days of employment, and a new x-ray is not needed. Otherwise, the signs and symptoms evaluation must be done by the health provider evaluating the employee any time a new TB chest x-ray is taken.)