

Gracedale Advisory Board
November 10, 2016
Minutes

Members Present: Deborah Jean DeNardo, J.D.; James Irwin; Susan L. Lawrence; Maryann Schmoyer; Kenneth Sun, MD; Ann Terres, Honorable Robert Werner

Members Absent: Rosemarie Fehr, MaryAnn McEvoy

Public Present: Jack D'Allessandro, Sally Ferraro, Pastor Floyd, Judy Ryan

Staff Present: Catherine Allen, Courtney Kendzejeski, Susan Edwards, Jennie Repsher, Hector Rivera, Raymond Soto, Amy Trapp

Call to Order/Welcome:

The meeting was called to order by J. Irwin, Chair. He extended a welcome to the visitors.

Approval of September's Minutes:

A motion was made by B. Werner and seconded by A. Terres to accept the minutes from the September meeting. Motion carried.

Courtesy of the Floor:

By Guests:

J. Ryan asked about the status of accepting credit cards in the cafeteria. C. Allen stated that she is working on it, but perhaps an ATM machine would cause less liability. There are liability issues with using card readers. S. Edwards stated that an ATM would make sense. J. Irwin asked if we could have both an ATM and the ability to accept credit cards in the cafeteria. C. Allen stated that she could get an ATM in Gracedale by the end of the month, and the ability to accept credit cards in the cafeteria by early next year.

J. Ryan also asked about the status of the cell phone policy. A. Trapp stated that the policy is being reviewed by Information Services to make sure all possible topics are addressed. After it is updated, it can be rolled out by the end of the month for a meet and discuss with the unions.

Pastor Floyd Ritz introduced himself and stated he has been working at Gracedale since 1990. He performs marriages, funerals, visits new admissions, and sees residents upon request. He also helps the Therapeutic Recreation Department with transporting residents. S. Edwards stated that he runs Resident Council, and we are blessed to have him.

By Committee Members:

A. Terres stated that the Area Agency on Aging celebrated centenarians in September with a luncheon. Pastor Floyd was there and gave the invocation; five residents from Gracedale were in attendance.

Chair Report:

None.

Director of Human Services Report:

A. Frantz had a prior commitment and was unable to attend the meeting. A. Trapp, Director of Human Resources, and C. Kendzejeski, Deputy Director of Human Services/Gracedale Human Resources, attended at the request of the Gracedale Advisory Board to talk about FMLA (Family and Medical Leave Act).

A. Trapp and C. Kendzejeski distributed a FMLA Fact sheet provided by the U.S. Department of Labor and a FMLA Leave Decision-Making Flowchart. A. Trapp stated that there are three different kinds of FMLA. There are no benchmarks from a public sector perspective, meaning they do not necessarily have statistics regarding FMLA use.

The County currently has a FMLA policy. A copy can be provided. It is currently in draft form, but will go live effective 11/15/2016. The unions are in the process of reviewing it.

The Family Medical Leave Act was created in 1993 through an Executive Order signed by President Clinton. Its purpose is to provide protections for employees who have conditions for themselves or family members that would require continuous, intermittent, or reduced scheduled leaves from their jobs.

- Continuous FML provides time for a number of days/weeks in a row. To qualify, an employee must have worked for the employer for 12 months, and worked 1250 hours in the prior year. A normal full-time employee works 2080 hours per year. Continuous leave allows for an employee to be out for a continuous period of up to 12 weeks.
- Intermittent FML is for a condition in which you may need to be out periodically, with a frequency and duration that is not predictable. Something could flare up once a month, or two times every three months. The physician would fill out paperwork regarding frequency and duration.
- Reduced schedule FML, which would occur on a regular frequency, is the least common type of FML. For example, an employee who has rheumatoid arthritis needs infusion treatments once a week for 12 weeks, and every Wednesday that employee must leave at noon for treatment. That employee has a need to leave on a regular frequency.

FMLA protects your job, pay, and benefits. As an employer, we are required to maintain their position or equivalent at their rate of pay. FMLA is an unpaid leave, but employees or the employer may require that time is used.

The Department of Labor fact sheet provides qualified reasons for FMLA.

- Child birth and bonding with a newborn allows the parents to be off a total of 12 weeks each during the year after the child is born. This also applies for placement of adoption or foster care.

- Serious health condition of an employee, such as surgery or an extended illness.
- Caring for a dependent (spouse, child, or parent) with a serious health condition. A child is someone who is 18 or younger. The only time this would apply to a child over 18 would be if that person cannot care for themselves. This would also apply to those who are in loco parentis; those who have a financial responsibility to support a child, i.e. a grandparent, aunt, or uncle.
- Military exigency – If someone is called to active duty, that person, or their child or spouse, is permitted to take time off to prepare for the military member's departure, time off, or return.
- If a family member is injured as part of military services, while on active duty on foreign soil, an employee can take off up to 26 weeks.

FML is the single most abused benefit any employer has. At some time, almost every employee will have an illness, injury, or disability that will be protected under FMLA. For a 24/7 facility, it is more challenging when employees engage intermittent FML, especially when appropriate staffing ratios must be met.

Once the updated FMLA policy is released, everyone currently on FML will receive a letter explaining that we will require updated paperwork. We will be using the Federal FMLA forms; previously, the County used FMLA forms that mirrored the Federal forms. Our preference is to use the form that the Department of Labor issues. We will also strictly adhere to the timeline of federal regulations and will enforce that FML is prospective, not retrospective. FMLA should be requested 30 days in advance, or as soon as is practicable. If something emergent happens, such as a car accident, there cannot be advance notice. What we find is that employees who have attendance problems will file retrospectively for FML. We are very carefully monitoring that, and will continue to challenge paperwork. Human Resources has the ability to directly engage with the physician's office.

FMLA is a broad, complicated process. It is better to have supervisors and employees more familiar with the process so that administration at Gracedale will have more support.

It was asked if requests for FMLA are being denied right now. A. Trapp stated that while we are in the process of updating the FMLA policy, there have been less than a handful of FMLA requests being denied. We experience a lot of requests for intermittent Well Baby Care. If it is planned that an employee will be out two days a week for Well Baby Care, that could be approved. But an employee cannot call out Well Baby Care. A. Trapp stated that there will be denials, but the denials are because the FML request is for something that is not a qualifying event. If employees are found fraudulently using FML with intentional and purposeful misuse, it could be grounds for termination.

A. Trapp stated that from a union standpoint, employees are realizing that Human Resources is looking into fraudulent requests from IFML. C. Kendzejeski stated that in the past, someone

would request a day off in advance, which would then be denied due to staffing. That employee would then call off IFML on that day. Now, Human Resources can call the physician and request a medical certification for that day.

It was asked how many times an employee would have to abuse FML before it would be determined fraudulent. A. Trapp stated that Human Resources would look at the information, interview people if needed, and engage the physician to confirm. If it is believed that there is fraud, the employee is given a Loudermill Hearing. During the hearing, the employee has the right to be heard by management, with the union present. The Department Director makes a decision based on the evidence, and then there is an adjudication process. Human Resources is involved in every step.

There were concerns about making sure the updated policies are distributed and instructed to staff properly. C. Kendzejeski stated that there is an entire rollout plan. A. Trapp stated that the new policy will be released to all department directors and sent to all County employees. The policy will also be placed on the intranet, which is accessible by employees. Trainings will also be scheduled with all managers on how to implement the policy. It was asked if there will be trainings scheduled for employees regarding the new policy. A. Trapp stated that new employees are introduced to the policy during orientation. FMLA is something that is only engaged when needed; not all employees would need a training session on the new policy. The employer is making the employee aware of the change, and if there are questions, the employee will seek out Human Resources for clarification. A. Trapp stated that the managers also need to help with the process. If an employee is out, they may need FMLA, and then Human Resources would engage the employee. Managers know that they should direct employees to Human Resources if there are questions.

Gracedale Administrator's Report:

R. Soto discussed the dashboard. He stated that there are more Medicaid residents in the hospital and that instances of flu are on the rise. We are still waiting on the numbers for finances. Overtime decreased in each nursing discipline. It was noted that September seemed to be an anomaly with overtime. R. Soto stated that there were ten residents with behavioral problems who were placed on one-on-one (1:1) care, which means there were ten CNAs each shift providing 1:1 care. We hold weekly meetings to discuss each resident on 1:1 care to determine if it is still necessary. We are also looking to transfer some residents to other facilities that can better meet their needs.

There was one complaint visit from the Department of Health; no deficiencies were issued. Our facility acquired infections increased because of the flu, but no units were closed.

A. Trapp stated that she is not sure where the FMLA numbers on the dashboard are coming from. Currently, the numbers reflect an active FMLA or IFMLA, whether it is being used or not. The information is not relevant. C. Allen noted that sick callouts went down to 152 per month; there

used to be over 600 a month. J. Irwin noted that the sick callouts decreased because of the last AFSCME contract. R. Soto noted that the turnover rate for CNAs decreased.

C. Allen stated that the Steelworkers Union ratified their contract, which was already approved by County Council.

Other Business:

B. Werner wanted to thank the unions, Gracedale employees, County Administration, and Premier. For the first time in a decade, the facility is \$1.6 million in the black. It was asked if the money would be going into the Gracedale fund. B. Werner stated that it is being worked on.

Next Meeting:

J. Irwin reminded Advisory Board members that the next meeting will be held on December 8, 2016, at 4:30 PM.

A motion was made by B. Werner and seconded by D. DeNardo to adjourn. Meeting adjourned at 5:27pm.

Respectfully submitted,
Jennie R. Repsher