

## Dear Reader:

As you know, demographic trends suggest explosive growth in private duty home care over the coming decades. Numerous studies reveal that older adults have the desire and the resources to “age in place” with assistance from time to time.

But, home care is not just for the elderly. Surgical patient hospital stays are decreasing in length, and sky high health care costs all but guarantee that the trend will continue. Patients who are recovering at home need non-medical home care, too.

Now is the time to prepare your company for the tidal wave of opportunity to come. *Private Duty Insider* can help.

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Competency Exam Questions Extra**

### **Election Day impact on PD:**

## **Obama-backed bill could mean more unionized agencies**

*By Burt Schorr [bschorr@decisionhealth.com]*

The Nov. 4 general election increased House and Senate Democratic majorities and put Democrat Barack Obama, an outspoken supporter of pro-union legislation, in the Oval Office.

Senate Republicans last year were able to kill the House-passed Employee Free Choice Act (EFCA), which would have made it easier for labor unions to negotiate wages, benefits and working conditions for your workers. But that was then.

The general election results could mean that the once-defeated bill is anything but dead when the 111<sup>th</sup> Congress convenes in January, home health lobbyists are convinced. Also resurrected is the chance that the bill’s passage could confront agency owners with more worker demands for higher wages and better benefits.

Home care generally is an easy target for organized labor because a large percentage of its workers have low incomes and limited education and are

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## **Double revenue with right sales compensation plan**

*By Megan Gustafson [mgustafson@decisionhealth.com]*

Private duty agencies could double their revenue by taking a closer look at how they motivate and compensate their salespeople, says veteran home care and sales consultant Michael Giudicissi. This could be a goldmine during the current economic downturn.

The key is to not base sales success and/or compensation plans solely on how many new clients the salesperson brings in every month.

The end result will be that your sales reps will go after the easiest potential clients, such as new moms or those who need post-surgical care at home;...

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### **Turn your hospital 'dead zones' into referral opportunity zones**

December 10, 2008  
1:00-2:30 p.m. ET

Hospital discharge planners aren't the be-all, end-all to gaining hospital referrals. Join home care marketing expert Lori Moshier and get all the “insider” strategies you'll need to gain access to other lesser-known hospital referral sources, or zones, and watch the referrals pour in.

**Bonus:** Access to a Marketing Sheet with more than 25 specific hospital departments you should market to.

For more information and to register, visit [www.decisionhealth.com/conferences/A1639](http://www.decisionhealth.com/conferences/A1639).

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## Obama bill could mean more unionized agencies

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easily persuaded to join unions, says Daniel Block, general manager of Houston-based PTI Labor Research, which gathers data on organized labor for employers in the U.S., Canada and Great Britain.

A sign of things to come may be the Nov. 4 passing of Missouri's Proposition B by a 75% to 25% vote.

Proposition B creates the Missouri Quality Homecare Council, which would ensure the availability of home care services to elderly in the Medicaid program by recruiting, training and stabilizing the personal care attendant work force. It also would have the authority to recommend conditions of employment and wage rates for home care workers, according to the proposed amendment. [View the proposal at <http://www.sos.mo.gov/elections/2008petitions/2008-025.asp>.]

Critics of Proposition B say it's a disguised attempt to unionize home care workers. Part of the ballot measure would allow home care workers to unionize, but not strike.

The proposition is backed by Service Employees International Union (SEIU) – the largest healthcare union in the U.S. – which has donated a little more than \$900,000 in support of Proposition B, according to the National Institute on Money in State Politics ([www.followthemoney.org](http://www.followthemoney.org)). [For advice on warding off unionization, see p. 3.]

### EFCA changes union rules

In general, EFCA calls for bypassing a union election and requires employers to recognize a union simply if it presents signed "check cards" from a majority of eligible employees [*PDI*, 6/07]. More specifically, it includes the following provisions:

- **First contract, then mediation and finally arbitration:** If the union and the employer can't agree on a contract within 90 days, either party could request the help of a federal mediator. If there's still no agreement after 30 days of mediation, the final step would be arbitration, which both parties would be obliged to accept for two years.
- **Increased penalties for federal labor law violations:** Currently, employers that discharge or discriminate against employees involved in union activities merely can be required to pay them any back pay they're owed. Under the proposed legislation, the required compensation would be three times the back pay owed, and willfully or repeatedly violating an employee's rights would incur civil fines of up to \$20,000 per violation.

The Employee Free Choice Act is needed, according to its sponsor, House Labor & Education Committee Chairman George Miller (D-Calif.), because the current NLRB election process "allows irresponsible employers to harass, coerce, intimidate, reassign and even fire workers who support a union." Arguing for his bill on the House floor last year, Miller cited a Center for Economic and Policy Research estimate that one in five employees who are active union advocates end up fired by their employers. To Obama, enactment of the Employee Free Choice Act would leave the choice of organizing "to workers and workers alone."

The SEIU cites cases of currently stalled negotiations it says show the need for the bill's mandatory mediation/arbitration provision.

The contract SEIU Local 1199 in New York recently signed with home health provider Bestcare Inc. is one example. It took four years of off-again, on-again bargaining, a workers' rally in Manhat-

tan's Madison Square Garden, another in Union Square where a Bestcare office is located and a strike threat. The agreement provides health coverage after three years of employment, for which two-thirds of the 2,500 affected employees are eligible immediately, and modest pay increases above the New York State minimum wage of \$7.25 an hour.

Arguments against the Employee Free Choice Act include the objection that it would deprive workers of their "fundamental right to vote in privacy," the Heritage Foundation, a conservative Washington think tank asserts in a 16-page critique of the legislation frequently cited by opponents of the bill. Basing union representation on cards also would "force workers to choose in a high-pressure sales situation," without time to hear and reflect on the employer's position, the Heritage critique argues.

### We shouldn't have signed

One-time union organizer Rian Wathen, who now advises employers faced with organizing attempts, has a multi-office home care company client in a Midwestern state that is evidence that employees might sign union authorization cards without understanding their significance, he says.

After the SEIU targeted the company's approximately 200 aides, it found the union's organizers equipped with authorization cards on clipboards "showing up at all its parking lots and knocking on employees' front doors," recounts Wathen, a consultant with Labor Relations Services in Newport Beach, Calif.

As he tells it, the organizers gave aides the impression that the company approved of the campaign. And when they said, "If you want more wages or more benefits, sign this," many aides signed, he says.

The home care company retained Wathen and his associates to meet with

aides and explain the significance of the cards – especially the fact that by signing they would allow the union to negotiate changes in the flexible schedules the aides often prefer because of child care and other family obligations. The reaction from the

aides generally was that they hadn't realized what the cards meant and actually were "very content," according to Wathen.

Result: The union ultimately abandoned its organizing effort, Wathen says.

## What to consider before the union organizers arrive

*By Burt Schorr*

Union organizing depends on emotion, and because caregivers by nature are an empathetic, emotional workforce, home care employees are more susceptible than many other workers to organizers' recruitment efforts, says labor consultant Rian Wathen.

That's a point private duty owners who prefer to keep their agencies non-union need to keep in mind, says Wathen of Labor Relations Services in Newport Beach, Calif.

Another Wathen tip: How employees feel about seeking union representation is tied to how they feel about their employer. Employees don't vote for the union; they vote against their employer, he contends.

Here are five more tips for creating a union-resistant climate at your agency:

- Establish a "non-union philosophy." During orientation, when employees are happiest with your company, let them know that it's in their best interest not to join a union. Wathen, who currently has four home care clients, learned during his days as a union organizer that the company executives who talked about unions openly during orientation were the most successful in thwarting the union's drive. The employees of those companies he spoke with would tell him their job grievances and then say, "I'd love to have a union, but the company won't let us," Wathen recalls.
- While joining the union was the employee's choice under federal labor law, their employer had driven home the concept of remaining non-union effectively, Wathen says.
- Make sure employees understand the benefits they currently have. Employees sometimes will turn to a union even though their company actually provides them a great benefits package, Wathen says.
- Bring in a consultant or other third party to present the company's case during a union election campaign. Employees are more willing to speak with an outsider, especially if they have grievances against a supervisor they work for, Wathen notes.
- Conduct regular attitude surveys. Again, an outside person is best for this. But make sure you act on your employees' responses, Wathen advises. If the surveys single out a problem manager, don't hesitate to make a change, he says.
- Heed the state and federal laws that govern union organizing. The National Labor Relations Act allows employers to state their position on unions. At the same time, it forbids employers from requiring employees to disclose that they've been approached by a union representative or from threatening to fire employees who participate in a union drive, cautions attorney John Gilliland of Gilliland & Markette in Indianapolis, who specializes in provider-related labor issues.

For labor law information, log onto [www.law.cornell.edu/topics/Table\\_Labor.htm](http://www.law.cornell.edu/topics/Table_Labor.htm).

## Double your revenue with the right compensation plan

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and those are the ones that don't return profitability, says Giudicissi of Power Shot Training in Albuquerque, N.M, who has written more than a dozen compensation plans for private duty agencies.

The bottom line is that a salesperson's total compensation has to be justified against the financial result of his sales, Giudicissi says.

Although he maintains that every compensation plan should be unique to the individual agency, Giudicissi recommends following these seven guidelines to maximize the revenue your salespeople bring in:

- 1. Make no more than 60% to 65% of the salesperson's compensation base salary.** How much the base salary is can vary widely and there's really no set standard, Giudicissi says. The point of the base salary is to help motivate salespeople while putting a percent of their pay "at-risk," meaning if they don't hit their sales goals, they'll be taking home a lot less money. Paying salespeople 100% straight salary is "giving them an incentive to fail" because they'll make the same amount whether they meet their goals or not, Giudicissi adds.
- 2. Tie salespeople's remaining compensation – commissions and bonuses – directly to the worth of the new business they bring in.** The commission should be based on two things – the number of new admissions *and* the number of new hours generated by those admissions. New admissions on their own don't guarantee profit. In fact, an agency can get a ton of new admissions in a month and lose money if those admissions aren't bringing in several new hours, Giudicissi says.
- 3. Reward salespeople with a greater percentage of their target bonus for achievement more than 100% of their set goals.** For example, if a salesperson hits 110% of his goal for a specified time period, he should earn 125% of his target bonus. If he hits 125% of his goal, he should earn 150% of his bonus, recommends Giudicissi. Business generated over 100% of the budgeted admissions and hours is likely to be more profitable than the business up to 100% because the fixed costs have already been absorbed, and therefore a greater portion of that profitability should be shared with the sales rep, Giudicissi says. But a sales rep who isn't at least making 80% of the goal should not earn a commission at all.
- 4. Pay commissions and bonuses monthly at the most, but preferably quarterly.** Salespeople need to be incentivized by having a goal to achieve over a specified period of time. This helps them gauge when to pursue leads more aggressively and when they can slow down and focus on talent management, Giudicissi says. Without this, "all they do is work at this medium-high level all the time, and eventually it becomes stale and routine," he adds. Being paid quarterly is ideal because a sales rep could have a bad month and still meet his quarterly goal. But, "if someone's having a really bad quarter, there's more to it than bad luck," Giudicissi says.
- 5. Budget for a year-end bonus.** This gives the sales rep some motivation to finish out the year strong. Because businesses work on annual, not monthly, budgets, how the year wraps up ultimately is what matters, Giudicissi says. If you're paying the sales rep 65% of his or her total compensation in base salary, the remaining 35% should be halved and he should receive 17.5% of the bonus on a monthly or quarterly basis, and the remaining 17.5% at the end of the year, Giudicissi says.
- 6. Reward salespeople with recognition and appreciation.** Once a job offer is accepted, the amount of money that person is making matters little in determining how satisfied he or she is with the job, Giudicissi says. Recognition is formal, such as a plaque on the wall acknowledging a salesperson's good work, whereas appreciation is informal, such as a one-to-one pat on the back. "Money should be part of the compensation, but it's recognition and appreciation that ties a person to a company long-term," he says.
- 7. Avoid sales staff turnover.** A high rate of turnover is bad for an agency's reputation in the community, Giudicissi says. Don't hire someone you don't expect to stay with the agency for at least a year. "You'll get more business having nobody [in sales] than having five sales reps throughout the year," he says. The best way to go about doing this is to find the person who's the best fit for the agency long-term, and pay them according to the amount of money they bring in.

## A PD owner shares his plan

Until now, Bob Hebert, vice president of Carefree Home Care Companion Service in Scottsdale, Ariz., didn't want to spend the money to hire a full-time marketer or salesperson. Instead he chose to focus on growing his business by establishing a reputation for quality service and excellent business ethics in his community, he says. [Note the terms "salesperson" and "marketer" are used interchangeably in this article.]

But after 13 years in business, Hebert decided it was time to hire someone with specialized skills who could expand the agency's reach and spread the word of its quality reputation, he says.

Hebert decided that compensation for his marketer, who started in June, will be tied directly to how much profit he brings to the agency, Hebert says. He'll be paid a straight salary in the mid-\$50,000 range for the first six months to help him acclimate and establish contacts and relationships.

After that, he'll be able to earn above and beyond that salary by applying the value of the revenue he brings in against his wages, and then once the value of new revenue exceeds his wages, he will start to earn commission, Hebert says. This will be tracked using a software program that identifies the source of each referral, and exactly how much money is earned from each one.

The marketer's commission is then calculated in the following way: First, the gross profit per service hour will be divided into the marketer's monthly wage, which includes taxes, benefits and all other related marketing costs, such as gas mileage. This will establish a break-even point. Any new hours brought in over the break-even point are multiplied by the commission rate per service hour (set by the agency), which, for the sake of example, could be 50 cents per service hour.

**Consider the following example provided by Hebert:** Wages (\$5,000 per month) divided by gross profit/hour (\$10) = 500 hours of the manager's sales referrals to break even. Excess referral hours beyond the 500 hours in a month are then multiplied by the 50 cents per hour commission rate.

So if sales referrals are 2,000 hours in the month, then the commission would be:

2,000 hours – 500 hours (break-even point) = 1,500 x 0.50 (commission rate) = \$750 in earned commission for the month.

Based on current numbers, Hebert's marketer will have to bring in an esti-

mated \$175,000 in new business for the agency to break even, and the ultimate goal is at least \$250,000 in new sales next year, Hebert says.

There is no cap to how much the marketer can earn beyond his salary. "We want him to always be happy to go out and knock on doors," he says. Hebert thinks compensation plans that limit how much a salesperson can earn are narrow-minded because the possibility of earning more money is a great incentive that's mutually beneficial. "The more the salesman makes, the more the company makes in the long run."

### Turn schedulers into salespeople

## Value-measured bonus system increases revenue

By Megan Gustafson

Since instituting a value-measured bonus plan for scheduling managers, Care-Givers America in Clarks Summit, Pa., increased its revenue 35% in one year, says owner Paul Bartoletti.

Scheduling managers staff each of the agency's eight offices, and it's their job to close the sale over the phone, says Bartoletti. They are paid a bonus on a sliding scale depending how many clients they schedule, and how much revenue those clients bring in, which is measured by the number of hours generated per week.

For example, if an office closes five new hours in a week, the scheduler will earn a \$15 bonus. If the office employs more than one scheduler, the bonus amount increases and then it's divided among each one. For example, a 2-person office gets a \$20 bonus for five new hours in a week, and a 3-person office gets \$25, Bartoletti says.

The bonus amounts increase from there as the number of new hours increases to up to \$600 for a 3-person office if the schedulers bring in more than 121 new hours in a week.

Here's how the plan works for a 1-person office: five or less hours earns \$15; six to 10 hours earns \$30; 11 to 30 hours earns \$60; 31 to 70 hours earns \$120; 71 to 100 hours earns \$240; 101 to 120 hours earns \$300; and 121 or more hours earns \$400, Bartoletti says.

Such a plan makes schedulers "feel like they're entrepreneurs, when the business grows, they grow with it," he says.

Prior to instituting this rewards system, schedulers were rewarded on a discretionary basis. In other words, the plan was really no plan at all, and didn't do much to incentivize employees to work aggressively to close more business and schedule additional hours.

Now having a specific plan in place, the agency is seeing a great deal of growth. "We've been very fortunate that we've grown as much as we have, and a lot of it is because of the incentive program," Bartoletti says.

## Competency exams help increase caregiver retention

By Megan Gustafson

Implement a competency exam for potential hires that tests for the necessary caregiver skills and personality traits and you will increase your agency's retention rate by 20% in less than a year.

That's what Gerry Fioriglio, owner of Family Caregivers Network in East Greenville, Pa., did earlier this year. Her goal was to increase her agency's retention rate by 20%, and seven months later, she'd not only met that goal, but exceeded it.

Her success is due in part to administering a 100-question competency exam to potential caregivers. The test is designed to determine whether a caregiver has the skills to succeed in home care, Fioriglio says. "[The test] weeds out a good portion of [caregivers]."

Its success is evident in numbers: Since Jan. 1, it has played a part in not only increasing the agency's retention rate by 23 percentage points to 56% from 33%, but also in reducing turnover to 44% from 60%, she says.

A written competency exam is the third step in a nine-step hiring process used by Professional Healthcare Resources in Annandale, Va., and it helps the agency to determine more efficiently whether the applicant has potential or not, says Linda Klingensmith, the agency's director of personal care and private duty.

The agency's 50-question exam is meant to put potential caregivers in situations they are likely to face in the field, says Klingensmith. A sample question may ask how an applicant would handle an Alzheimer's patient who is refusing to get dressed, she adds.

And the test is given even before an applicant fills out an application. This is so that an applicant who isn't

qualified will be weeded out early so as to not waste the applicant's nor the agency's time in a process that isn't going to result in a job offer, she says.

"We really want to invest in the employees up front so we can get them off to a good start. The aides make or break us so we want them to be successful, give them an opportunity to shine, but also we're doing everything we can to make sure it's a good fit," Klingensmith says.

The multiple-choice test must be passed with a score of 80% or better. The agency has never crunched the numbers to determine the percentage of applicants who pass the test, but "there's a significant amount that don't," she says.

Consider that from the beginning to the end of the nine-step hiring process, roughly only 10% of applicants are actually hired and "the majority of them are successful hires," says Klingensmith.

### Exam assesses hard and soft skills

The exam that Fioriglio administers tests whether caregivers have the hard skills necessary for the job, such as proper lifting techniques and knowledge of good hygiene and skin care, but also the "soft" skills and personality traits, such as how to deal with a rude or belligerent client, she says. [*For a list of competency exam questions and answers, see the enclosed Tool of the Month.*]

"[The exam] definitely gives us the information that we're looking for – if they have the qualities to work independently in the home, good decision-making skills, general good life skills," Fioriglio says. And it gives the agency a baseline to see if a potential caregiver has the aptitude to be taught the aspects of in-home caregiving.

The agency had been using parts of the competency exam for the past eight years, but recently revised it to include questions designed to determine

an applicant's level of integrity and compassion, which helps determine how well an applicant's character and personality fit with the type of caregiver the agency is looking for, she says.

The 100-question, multiple-choice and true/false test was derived from a variety of sources, and is continuously updated as new situations or problems come up, Fioriglio says. The agency looked into buying exams from a corporate psychology company, Corporate Psychological Resource Center ([www.psychforbusiness.com](http://www.psychforbusiness.com)), but after finding that it would cost \$3,600 to \$6,000 to design a test, and \$75 to \$120 for each employee thereafter, the agency decided to develop the test itself.

Having come to private duty from a Medicare-certified home health agency, where such exams are required, Fioriglio started with something that was similar to that, and "expanded from there," using her experience and that of her human resources department, she says.

### Use open-ended questions

Not every screening process has to take the shape of an exam.

As potential applicants move through TBAB Health Care Services' eight-step hiring process, potential caregivers are evaluated from a psychosocial standpoint, which helps the agency weed out those who may have a tendency toward an abusive personality, or who may not have the traits necessary for the demands of home care, says Gary Oppedahl, president and CEO of the Albuquerque, N.M.-based company.

To accomplish this, Oppedahl uses what he calls "behavioral interviewing." That is, asking the candidates open-ended questions and making them tell a story, he says. For example, he'll ask: "Tell me about the last time you were in a situation with a combative client."

A lot can be determined from how the candidate answers the question. Does the person take a calm, rational approach to a frustrating situation, or is he or she “like Velcro, waiting to be offended?” Oppedahl explains.

## Establish clear gift-giving policies; prevent negative implications, legal trouble

By Megan Gustafson

Implement a no-gifts policy – especially with the holidays approaching – that prohibits caregivers from accepting gifts from clients, and you’ll avoid allegations of financial exploitation that could result in ethical and legal trouble.

At its core, private home care deals with elderly and often vulnerable people who are appreciative and often feel like they “have” to give gifts to avoid being deserted, says Kitt Crown-Boltz, owner of Eldercare Services Unlimited in Sarasota, Fla. That’s why it was critical for Crown-Boltz to implement a straightforward “no gifts” policy for her caregiving staff from day one.

The policy was not derived as the result of a bad experience, but rather through a combination of “what I’ve seen in the business, my attorney and my morals,” says Crown-Boltz, who has 28 years of home care experience, including as a certified nursing assistant (CNA) and in medical administration.

Not allowing her caregivers to accept gifts of any kind helps the agency avoid getting caught in a situation in which a client’s family member or a judge or anyone else could say that a hired caregiver took something that didn’t belong to her, she says.

“When you don’t have a really firm policy, it opens a can of worms,” Crown-Boltz says.

Conflicts over gift-giving in home care agencies come up regularly and have the potential to be costly, says

home health attorney John Gilliland of Gilliland and Markette in Indianapolis.

For example, Gilliland says he’s seen situations in which jewelry was given as a gift to a caregiver, and the family disputed the gift and sought tens of thousands of dollars – the value of the jewelry – from the agency. And although he hasn’t had to litigate such a case, he’s come close, he says.

Elderly clients often try to give things to caregivers, such as a dresser or a piece of jewelry that’s no longer worn, says Crown-Boltz. But caregivers are instructed to either return it to a family member or leave it somewhere safe in the home. Her caregivers are “never [to] walk out of that house with anything that does not belong to [them],” she says.

Having such a firm policy in place helps the agency avoid accusations of exploitation, especially because the caregiver is already being paid. “We never want that to come back to us,” she says, referring to the possibility that caregivers could be seen as trying to get more money or gifts from the client than what they are being paid for the job.

### A ‘no-gifts’ policy can have exceptions

Situations do come up in which a client or family member is adamant about giving a gift to a caregiver, says Crown-Boltz. In those cases, she may make an exception, but only with clear ground rules. She requires that the decision cannot just come from

### Benchmark of the Month #28: PD agencies struggle with hiring and screening policies

When asked which employment policy private duty agencies struggle with most, 20% of private duty executives cited “hiring and screening” policies as their most challenging. These include establishing training and background check requirements, according to the 134 executives who responded to *PDI’s* 2008 survey. \*Other answers include how to pay caregivers for a cancelled assignment, loan/gift acceptance policies, disciplinary action process, establishing boundaries between staff and clients and caregiver personal cell phone use.



