



**MCFI-Fiscal Agent
Handbook**

MCFI – FISCAL AGENT HANDBOOK

How to Be an Employer

Job Duties

- What needs to be done – define the job that needs to be done
 - What is the job?
 - How does it need to be done?
 - How much and when does it need to be done; morning, evening, etc
- What are the hours
 - Is it flexible or not. Housekeeping or laundry can be done anytime, but dressing and bathing may need to be done to match other schedules.
- Who will supervise
 - Interview – Do you need assistance in interviewing?
 - Work quality – how is work quality defined
 - Approve timesheet

How to Find an Employee

- Job Posting – use every opportunity to post your job
 - Newspaper – can be costly
 - Agency
 - County – they may have a bulletin board you can use.
- Applications – how will the person apply, over the phone or in person.
- Interviewing – is this a step you feel comfortable doing on your own.
- Background Checks – The Financial Services Agency will conduct these
- Job Offer – clear statement of job, rate, hours, and duties.

Applications

- What to include
 - Name, address, phone number
 - Training or education background
 - Skills and work experience
 - References
 - Authorization to check references
 - Certification of truthfulness
 - Signature
- What **not** to include
 - Height/weight/sex
 - Age
 - Race
 - Marital Status
 - Religion
 - Has children or plans to have children

Interviewing Tips

- A candidate should be treated the way you want to be treated. A warm, friendly manner will set the candidate at ease and make the interview go more smoothly.
- Thoroughly describe the position and responsibilities. Review the job description and hours of the job.
- Asking open ended questions encourages more than a yes or no answer
- Always allow the person a chance to ask questions
- Always thank the person for their time
- Always allow the person to ask questions

Good Interview Questions

- What kind of experience do you have?
- What skills do you have that would help you here?
- What are you looking for in a job?
- What motivates you to do your job well?
- Are you able to perform the essential functions of the job?

Things Not to Ask

- Are you married?
- Do you have children? Are you planning more?
- Are you dating anyone?
- Have your wages ever been garnished?
- Do you have a disability?
- How often do you drink?
- What is your religion?

Employee Protections & Discrimination Laws

- Age
- Disability
- Race
- Religion
- National Origin
- Sex
- Pregnancy
- Diversity
- Harassment
- Drug Testing
- Polygraph Testing
- Sexual Harassment

Hiring the Employee

- Agreement about hours and rate of pay
- W-4 for taxation purposes
- I-9: IRS form to show work eligibility
 - Social Security Card

Employer/Employee Relationship

- Communication
 - Clear, honest, fair
 - State expectations
- Retention
 - Turnover is costly and time consuming
 - Appreciation for good work is key; specific, sincere, timely
- Performance Reviews
 - Time for both sides to review and clarify
 - Communicate goals and expectations
- Delivering Negative Feedback
 - Be constructive
 - Give specific examples of how to improve
- Misconduct
 - Late or absent
 - Failure to follow rules or complete work
 - Progressive Discipline
 - Verbal
 - Written
 - 30 day notice
 - Termination

Other Items

- Safety Guidelines – see OSHA handout
- Unemployment – starts at 3.25% of wages for new employers. After 2 years, the state adjusts that percentage based on usage. If you have not had a lot of turnover, the number will go down. If there was a lot of turnover, the number will go up.
- Workers' Compensation – Workers' Compensation insurance is purchased to protect employees who may be hurt on the job.

What Employers Should Know About Unemployment

- Claimants can file for benefits over the phone or via the internet
 - If an employee ask if they can file for unemployment or not, we cannot tell them no. The answer is always yes.
- One of the eligibilities taken into consideration by the Department of Workforce Development is the qualifying base period
 - Base period – the first 4 quarters of the last five quarters
 - In order to qualify, the employee must have at least worked in two different quarters
- An employer's account vs. a reserve account
 - Employer's account – our funds that we pay for unemployment insurance every quarter
 - Reserve account – the governments funds that help pay for unemployment that cannot be charged to the employer's account. This account is funded by employers and everyone who pays taxes.
- An employee is able to claim partial unemployment benefits while working for an employer
 - An employee is eligible if the employee worked less than full-time hours during the claimed week
 - What if the claimant does not perform all work available in a week?
 - Wages the claimant could have earned are added to the wages the claimant actually earned
- Required reports
 - UCB-16 Separation Notice (the 1st notice that an employee is filing for unemployment benefits)
 - UCB-23 Wage Verification/Eligibility Report
 - UCB-719 Urgent Request for Wages
 - Quarterly Wage Reports
 - Fact-Finding
 - Due Dates
 - If an employer does not respond in the time frame given, the employee's words will be used in consideration of eligibility
- An employer can be held at fault for not filing paperwork on time or at all and the employer's account will be charged for overpayment
- If you know anyone who is committing benefit fraud, call the Department of Workforce Development

- Separation due to inability/unavailability (found to be ineligible)
 - Where no formal leave of absence has been requested
 - Example: last minute notice of maternity leave; don't know when they will come back to work
 - Eligibility determined by ability to/availability for work on the general labor market
- Job refusals (found to be eligible)
 - 4 elements are considered:
 - Was the offer bona fide?
 - Was the work offered suitable?
 - Did the claimant have good cause for refusing?
 - Is the claimant able to and available for work?
- Suspension of benefits
 - Job refusals
 - Voluntary leaving-quit
 - Voluntary reduction in hours
 - Employee voluntarily requests a reduction in hours
 - Employer tells employee in writing that the reduction will be considered as a voluntary quit, and wages earned for work subsequent to the reduction in hours cannot be used to satisfy a quit suspension
 - Employee must be given opportunity to change mind
- Misconduct
 - Willful and wanton disregard for employer's interests or standards of behavior employers have the right to expect of all employees
 - Deliberate rule violation
 - Carelessness/negligence to such an extent that it shows wrongful intent or evil design
 - Could also be when they have done their job well but then there were days when they were not – there needs to be proof in order to be misconduct
 - Consequences:
 - Wages earned from the employer prior to the discharge are permanently removed from the claim
 - Benefits are suspended until 7 weeks elapse and the claimant earns 14 x WBR in covered employment
- Good Business Decision vs. Misconduct
 - Was there unacceptable behavior?
 - Was there, or could there have been, an adverse effect on the employer?
 - Did the discharge result from the behavior?
 - What did the employer do anything to try to change the behavior?
 - Did the employee attempt to comply?

- Warnings
 - Date/time of warning
 - Names of all present when warning given
 - Conduct causing warning
 - Expectations for future
 - Consequences for future violations
 - Should not wait to give warning
 - Have to tell employee about consequences to violation
 - Can either be a written or verbal warning

- Absenteeism/Tardiness
 - Taken into consideration are the following:
 - Reasons for each absence
 - Notice to the employer or not
 - Prior warnings/discipline
 - Pattern
 - Always ask why absent or tardy

Determining the “Contractor Status” of Your Providers

Please note: The Federal Government’s Internal Revenue Service (IRS) issues, special rules that apply differently to persons hired for pay based on the type of worker (the **workers status**). Workers listed on your plan will typically be **“employee which by definition of course includes there being an employer”** whereby either you hire and manage directly or an employee managed by an agency you have selected, or your selected worker may fit the definition of **independent contractor**. The following information will help determine which applies to your worker:

Common Law Rules

To determine whether an individual is an employee or an independent contractor, the relationship of the business must be examined. All evidence of control and independence must be considered.

Facts that provide evidence of the degree of control and independence fall into three categories:

1. Behavioral: Does the employer control or have the right to control what the worker does and how the worker does his or her job?
2. Financial: Are the business aspects of the worker’s job controlled by the payer? (these include things like how worker is paid, whether expenses are reimbursed, etc.)
3. Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business?

Employers must weigh all these factors when determining whether a worker is an employee or independent contractor. The keys are to look at the entire relationship, consider the degree or extent of the right to direct and control, and finally, to document each of the factors used in coming up with the determination.