

Family Support 360  
Participant Self-Direction Manual



## **What is self-direction?**

Self-direction allows individuals to receive supports in their own home, when they want it, where they want it and who provides their care. Self-directing your services means you are able to recruit, hire, and manage your own staff. That means that you can hire a family member to help with your supports. There are 4 self-directed services offered through the Family Support 360 waiver. They are personal care, respite care, companion care, and supported employment.

Self-directed services have their origins in the concept of self-determination. Self-determination is a movement aimed at changing the service system for people who have disabilities. Self-determination means that each person who has a disability has the same rights as all other citizens to have a meaningful life that is:

- Fully integrated into their communities
- Rich in relationships
- Individually crafted

## **What are the advantages of self-direction?**

- People plan their own services to lead self-directed lives.
- People choose where and when services are provided.
- People can hire, manage and direct support workers.
- People use support workers from their own network of family, friends, neighbors and local organizations.
- People access support workers familiar with their own language, culture and traditions.
- People strengthen and maintain informal networks of community support and opportunities for integration in the community.

## **Common Law vs. Co-Employer:**

There are two employer models available for self-direction. The participant will need to decide what model to go with before beginning the employee hiring process.

### ❖ Common Law

- The waiver participant or the employer are the legally responsible party. They are established as an employer with the IRS and have their own employer identification number.
- The participant/employer is in charge of making hiring decisions, providing training, evaluating and discharging employees. An Agency With Choice (AWC) provider will provide administrative and customer service support for enrollment, pay the employee and handle all tax deposits on the employer's behalf.
- Any legal actions taken by the employee such as unlawful termination or discrimination complaints, the employer is legally responsible.

### ❖ Co-Employer

- The AWC provider holds the employer identification number. The participant/employer are the co-employer or managing employer. Legal liability for employer related laws is shared but the managing employer is still responsible for their own decision making and actions towards employees.

- The participant/employer is in charge of making hiring decisions, training, supervision and discharge. The AWC provider will still be in charge of paying the employee and handling taxes.

### **If I can't direct services on my own, who can help me and how?**

Minor children (under the age of 18), can have their parents help with self-direction. Adults who want to direct their services can choose a friend, family member, or legal guardian as their representative. Your representative can help with things like finding and recruiting employees, scheduling and participating in interviews, negotiating rates, providing training to employees, making sure employees are providing services in the plan and how you want them provided, helping you communicate your choices and preferences, signing timesheets, and keeping required paperwork or records.

### **Who else can help me?**

The AWC provider is paid through a contract by the Division of Developmental Disabilities. This service is not paid out of your waiver budget. The AWC completes all new employee paperwork, receives and processes timesheets, issues paychecks to your employees, including withholding all required taxes and paying workers' compensation premiums.

You will still have a Family Support Coordinator to support you with self-direction. Your Family Support Coordinator can help you by explaining participant-direction, discussing options under each waiver, making sure your representative is identified in you plan, monitoring your plan's implementation, and authorizing your services.

### **Who can I hire as my employee?**

Anyone you choose to hire must be at least 18 years old, pass a background check, and complete required training. You can hire family members if the family member is not your representative that helps with employer functions (hiring, firing, rate negotiation, etc.). If you are a minor, your parent cannot be your employee. You can require your employee to have specific training to meet your specific needs. Examples of this type of training may include, desired outcomes, choices/ preferences, health related conditions, behavioral health needs, adaptive supports like communication or mobility, or anything else that helps the employee support you better.

You should think about what your typical day looks like, the times of day you need help, and the kinds of support you need your employee(s) to provide throughout the day. You should also talk with your Family Support Coordinator about back-up plans in case one of your employees is unable to come to work.<sup>3</sup>

### **What do I need to consider when deciding how much to pay my employees?**

You can pay different rates to different employees depending on their training and experience. Sometimes paying more helps you recruit and keep better employees. But, paying more also uses more of your waiver budget which can influence the hours of services you can receive. The lowest wage allowable by the Fair Labor Standards Act is minimum wage. There is not an established fee schedule for employee wages. Wages provided to employees must fall within a "usual and customary" standard. This means that the wage for your employee should be similar to the prevailing wages of direct support provider staff delivering similar services.

Here is an example of how the number of hours you have available for services depends on the rate you set for your employee:

**Personal Care Budget: \$2,500**

<b>Rate</b>	<b>Approximate Number of Hours a Week</b>
\$13.00 an hour	3.7
\$15.00 an hour	3.2
\$17.00 an hour	2.8
\$18.00 an hour	2.7

**The Role of the Employee, the Employer and Agency with Choice:**

*Employer:* This is either the Family Support 360 participant or their representative. Many times the representative is a parent, or other family member that helps the participant manage these services. The employer is also the person that:

- Hire an individual
- sets the rate of pay,
- sets the schedule,
- trains,
- establishes job duties,
- oversees work/supervises

*Agency with Choice (AWC):* AWC providers serve as the Financial Management Company or “Payroll Agent” meaning they are responsible for processing payroll, and handling other administrative responsibilities for the Employer and Participant.

*Employee:* individual hired to provide services by the Family Support 360 participant or their representative.