

## **MASWM Best Practices**

Based on the constantly evolving nature of Extended Employment programs in the state of Missouri, the current legislative landscape and the desire to provide Missouri extended employment programs, regardless of size, scope and location, with resources that enable them to remain in compliance and to become and continue as leaders in practices providing meaningful, dignified employment to adults with developmental disabilities, MASWM has developed this document as a roadmap to extended employment workshops at their best.

This document is meant to be collaborative, thus the input from numerous extended employment employers; to be a guide for workshops to strive toward; and, to be the gold standard for the employment of adults with developmental disabilities (in whatever environment the job is situated).

These best practices were developed through a collaborative effort of workshops that mirror the demographics of the 89 workshops in the state of Missouri. This is a working document that will be revised on a regular basis to reflect changing aspects within the extended employment program. From the best practices document there will be developed the standards by which all Missouri workshops are expected to operate. This will, again, be a collaborative effort.

As you review these documents and the plans to continue to refine them and to provide guidance to the workshops, please keep in mind that the goal is to provide all extended employment programs with the tools necessary to operate in a manner that provides the highest quality of employment for Missouri's adults with developmental disabilities. These practices put us squarely in agreement with WIOA, that the employee is the center of the extended employment program. Each section in this Best Practices document goes directly to that point. If you remain open minded and utilize the resources of MASWM and its members you will have the resources necessary to run a successful, employee-oriented program that minimizes exposure to non-compliant issues and answers our critics with regard to dignified, meaningful employment opportunities through our organizations. As you review these, also please think about your skills and what part you would be interested in playing as we develop resources for our extended employment employers. It takes all our efforts to make this work.

Thank you and we look forward to your input.

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## Section I: Best Practices for MASWM and Member Organizations

1. The Association will provide its Membership with a network for training, guidance, and best practices to include;
  - 1.1. Information on Federal and State legislation, rules, and guidance--both finalized and proposed;
  - 1.2. Availability of standardized forms;
  - 1.3. Access to individualized peer mentorship and problem solving;
  - 1.4. A directory of workshop staff available for mentoring and area(s) of expertise.
2. The Association will represent its Membership and ensure networking and good relations with applicable agencies and trade associations with Member organizations' mission in mind.
3. Members are expected to assist other Members, to share information and/or methodology to benefit the Association, its Membership and their Employees.
4. Members are expected to incorporate sound business practices including strategic planning to ensure long term organizational stability.
5. Members are expected to seek out contracts that provide stable, meaningful and dignified employment for their Employees.
6. Members are expected to provide training and supervision designed to increase individual skill levels and self-esteem for each Employee;
  - 6.1. Training is expected in all applicable employment related areas, both task oriented and social and 'soft skill' related to better prepare Employees for continued employment and advancement;
  - 6.2. Training will keep in mind the aspirations and interests of the employee;
  - 6.3. Training may include data collection and analysis for root cause and effect of social/behavioral traits that impede successful job skills development and long term job success.
7. Members are expected to respect the territory and contractual business relationships of other Members;
  - 7.1. Permission should be granted between Members before attempting to contact or enter into agreements in such conditions.
8. Members are expected to ensure that all Employees have a person centered plan that includes tangible work place/employment goals specific to that Employee;
  - 8.1. Member is encouraged to actively participate in all IP meetings;
  - 8.2. If the person centered planning is not available elsewhere or if the employee is ineligible for support by other agencies the Member will provide a person centered plan and employment.
9. Members are expected to partner with and/or provide opportunities to participate in Vocational Rehabilitation Programs (VR) and to provide all new hires, regardless of age, with information on VR;
  - 9.1. If requested by the employee, a referral to VR should be provided;
  - 9.2. If the Member believes an employee would benefit from VR services such a recommendation should be made to the appropriate individual.
  - 9.3. If VR requests participation of the Member's employee in a VR program the Member will work with VR to make reasonable accommodations.
10. Members are expected to provide every employee with information on self-determination, self-advocacy, and peer mentorship at least annually;
  - 10.1. Provide every newly hired employee with this information upon hire;
  - 10.2. Establish annual review dates and complete necessary reviews.

11. Members are to ensure that any prospective new employee under the age of 25 has completed an assessment with VR, has had that case closed, and has received the necessary certification to pursue extended employment opportunities;
  - 11.1. Lacking such an assessment, refer any such prospective new employee to VR;
  - 11.2. Support individual, guardian, VR and any other involved resource to complete assessment in a timely manner.
12. Members are expected to adhere to all State and Federal regulations.
13. Members are expected to follow the guidance of the Association and to represent the best interests of the Association, its Membership, and their Employees at all times.

## ***Section II: An Overview MASWM Best Practices for a Board of Directors***

### **General Responsibilities of a Board Member**

#### **What is a Board of Directors**

The Board is the legal representative, the trustee of the community. It is organized to guarantee that the agency continues to meet the needs of adults with developmental disabilities in the community and that the purpose and mission of the agency is continued. The Board is also mandated by the community to see that the financial base remains intact and secure enough to meet the continuing and changing needs of adults with developmental disabilities. A Board should maintain a good balance of business, professional, and consumer/parent representatives from the community, and should possess a wide variety of expertise. Board members should pursue the corporation's needs with the same zeal and concern given to one's own affairs.

#### **Responsibilities of the Board of Directors**

The Board helps to insure that all aspects of the agency's finances and services should be performed in an efficient, orderly and businesslike way. The Board should evaluate, on a regular basis, the operation from a financial, policy and practical viewpoint. The financial records must be complete and accurate. Information systems for decision making must be established and maintained. Productive expectations for employees must be spelled out. Services provided to individuals with developmental disabilities must be work oriented. The directors should present a positive image to the general public, assist with good customer and community relations, and insure the safety and well-being of the employees.

#### **The Mission and the Purpose**

The Board must determine the mission and purpose of the extended employment program. It should provide periodic evaluations and adjust the direction and focus as changing regulations, needs and desired outcomes dictate. The mission statement should be a part of the articles of incorporation which must be filed and certified by the Secretary of State of Missouri. Generally, it is also found in the bylaws of the corporation.

#### **Development of Policies**

One of the most important duties of the Board is to review the policies in place to accomplish the mission and purpose of the organization. Policies may be developed and revised by the organization, by either the Board, the manager or a combination of both. All policies should be in writing, dated and made available to extended employment staff and employees as appropriate.

#### **Hiring the Manager**

The selection and hiring of a general manager/executive director is without a doubt the most important single task the Board will undertake. It is the responsibility of the Board to hire directly, through a committee or an outside resource a leader that will continue to lead the organization in a manner consistent with the mission and purpose of the organization. Emphasis should be given to leadership and long range planning in selecting a general manager/executive director

## **Insuring Financial Success**

The Board must work diligently in order to guarantee the continued stability and financial success of the organization. It is imperative sufficient time be spent by all members of the Board to understand the operations of the extended employment facility and to deal in depth with any financial issues/challenges. With the manager, the Board must create a realistic budget, approve major expenditures, and regularly examine the corporation's financial position. As directors, Board members have an obligation to keep themselves fully informed about the organization, its finances, and its total operations. Corrective action should be taken promptly to resolve problem and avoid expansion of those problems. The budget is always at the center of the extended employment facility's financial structure. The Board must insure a fiduciary relationship between the corporation and the State of Missouri and all other funding agencies. The Board must also insure proper reporting to all funding and regulatory agencies.

## **Information Technology**

The Board should expect that they will get all the information they need to oversee the affairs of the workshop. The Board must depend on their general manager/executive director to assure access to adequate and accurate information using up to date information technology systems. It is anticipated that the level of sophistication and capability of these will differ from facility to facility. At a minimum, records must be maintained in accordance with appropriate legal and regulatory standards.

## **Board Meetings**

The Board must perpetuate and oversee the affairs of their corporation. The Board meeting must be properly called, convened and operated on a democratic basis. It is up to each Board to determine how often they need to meet to assure themselves that they are meeting the legal and ethical considerations of their responsibility.

## **Purpose of the Minutes**

The minutes record the official actions of the Board. Basic information should include the date, time, members present, the reading and approval of minutes of the previous meeting and the name of the chairperson and secretary. The minutes should be kept in a safe place and filed sequentially. All documents referred to in the minutes should be attached to the minutes and become a part of the official record.

## **Relationships with the Manager**

The Board should appoint/hire a competent manager to assure the efficient operation and welfare of the corporation. It is in the best interest of the Board to maintain a good working relationship with the extended employment manager providing both assistance and constructive criticism. The Board should ask perceptive and pertinent questions of the manager on a regular basis to assure a sound operation. While the Board may make independent decisions, after considering all sides of an issue, it is preferred that the Board and manager make decisions based on their combined best judgements. The Board has a general knowledge of, but does not assume, management functions. The Board publicly supports the manager.

## **Legal Responsibilities of a Board Member**

In carrying out their functions of membership each Director is subject to three primary obligations: a Duty of Care, a Duty of Loyalty, and a Duty of Obedience.

The Duty of Care calls upon a director to participate in the decisions of the board and to be informed as to data relevant to such decisions. In doing so the Duty of Care requires that a director be informed and exercise independent judgment. Such participation finds expression in such things as:

- a) Regular Attendance at Meetings.
- b) Independent Judgment. Each director shares in the all the responsibilities and powers of the Board.
- c) Information. Demonstrate knowledge of information that is crucial in making informed decisions.

The Duty of Loyalty requires a director to exercise their powers in the interest of the corporation not in their own interest or in the interest of another entity or person. Such awareness finds expression in such things as:

- a) Conflicts of Interests. Each Board member is required to consider all potential conflicts of interests and must disclose each in full to the membership.
- b) Treatment of Insider Transaction. Board members are generally discouraged from supplying services or goods to an organization. However, should the need arise the member must disclose the reasons for the transaction to the membership of the Board and records must indicate the best interest of organization was the overriding consideration.

*The Duty of Obedience* necessitates a director to be faithful to the organization's stated mission and not to act or use its resources in incompatible ways or purposes.

Complying with these obligations can protect the Board members and the organization based upon a presumption called "the business judgment rule". As long as all decisions of the Board are based upon independent and informed judgments and each decision was made in good faith and in the best interest of the organization then the Board decisions will comply within this presumption.

### *Expected Duties of a Board Member*

A board member of a MASWM organization can expect the following basic responsibilities:

- a) Approval of the system of accounting controls including the organizational chart and job description for the Executive Director.
- b) Hiring/Termination of the Executive Director.
- c) Have a yearly review of Executive Director's performance as well as review his or her compensation based upon a survey of similarly sized and situated organizations.
- d) Authorize an annual independent audit and review of results with audit team leader.
- e) Insure the adequacy of insurance coverage on a yearly basis.
- f) Ensure By-Laws of the organization are followed.
- g) Have, and use, Board conflict-of-interest and confidentiality policies.
- h) Analyze and approve, or modify, the annual budget for the operating funds submitted by the Executive Director. Determine if revenues and expenditures are within budgetary limits.
- i) Attend all meetings.
- j) Establish committee's as appropriate.
- k) Be knowledgeable of all the organization's mission, services, policies, and programs.
- l) Become informed of MASWM Best Practices.
- m) Remain involved in the organizations decisions for meeting all current (and anticipated) Federal, State, and local regulations, rules and expectations.
- n) Participate in and drive the organization's Strategic Planning process. Review and update this plan on a continuing basis as threats and opportunities warrant.
- o) Establish measures for effective Board performance.
- p) Be a visible community representative of the organization.



### ***Section III: Summary Outline Best Practices for Directors, Managers, Administrators of Missouri Extended Employment Sheltered Workshops***

- Definition:** Guidelines, ethics or ideas that represent the most prudent course of action for running an extended employment facility.
- Primary Objectives:** To assure regulatory compliance, provide program oversight, exhibit leadership and professionalism, participate in MASWM and act as a resource with regard to extended employment management
- Secondary Objectives:** Networking, strategic planning, training and development
- Compliance:** Fulfill all minimum obligations to achieve 100% compliance with all Federal, State and local regulations as well as any other funding regulations
- Oversight:** Insure that all activities reflect a safety priority within the context of each project while fulfilling all customer expectations.
- Professionalism:** Conduct all activities in a thoughtful manner consistent with proper business etiquette and ethics. Extend proper business etiquette and ethics to all business associates including Extended Employment Sheltered Workshops whether collaborating or competing.
- Leadership:** The Director or manager is a corporate leader, if not “the” corporate leader in all matters, setting the tone with regard to mission, core values and overall business practices.
- Participation:** Be involved in activities, developmental, educational and community opportunities that may further the mission and provide improvements opportunities to the extended employment program, including but not limited to MASWM.
- Resource:** Avoid foreseeable problems and solve problems as they occur through the thoughtful use of available resources
- Networking:** Network with business leaders and other extended employment facilities to fulfill the primary objectives and to identify opportunities for evolution of the program.
- Foresight:** Develop and maintain business plans for the extended employment program including short range and long range goals and objectives.
- Planning:** Create inclusive strategies for successful outcomes
- Training:** Attend educational events in order to fully embrace business trends and remain aware of changing dialogue with regard to extended employment. Educate Board of directors and staff so that all components of the extended employment program are understood and supported and plans are implemented.

## ***Section IV: Best Practices for Staff Members***

Best practices for staff should include these items:

- Fraternization –** maintaining appropriate relationships with employees that includes positive, supportive behaviors in a safe non-threatening manner
- Computer/Internet Usage On/offsite –** use of electronic media in a manner consistent with good business practices. All use should be business related, provide secure handling of information, assure appropriate content, and be consistent with the organization’s mission and purpose.
- Social Media Usage -** Use of social media, as it relates to the organization (including Facebook, Twitter, YouTube, Vine, Flickr, Instagram, Vimeo, Snapchat and blogs) should reflect the values, mission and purpose of the organization. The use of social media to interact with employees of the organization should be well thought out prior to activation.
- Professionalism -** Staff should always act in a manner that supports the values, mission and purpose of the organization. These principles should be forefront in interacting with our employees, their community supports and the public.
- Employee Confidentiality -** Information collected in the course of employment at an extended employment facility is to be kept confidential by all members of the organization. No information is to be disclosed by a staff member who does not have the authority to do so. In no circumstances is information released without the proper releases in place. Any release of information must be compliant with all HIPAA regulations.
- Abuse & Neglect -** All staff is provided abuse and neglect training at the time of hire and at least annually thereafter. Any interaction with an extended employment employee is to be consistent with the training provided. If a staff member suspects either abuse or neglect by another staff member, the employee’s community support or any other source, it is the responsibility of that staff member to report such concerns to a member of the extended employment management.
- Safety/OSHA -** Safety and health are utmost in the successful running of an extended employment facility. All activities in the course of a work day should reflect industry standards as they relate to safety and health. Training should be provided to staff and employees with regard to safe work practices, emergency procedures and first aid. The facility should maintain a physical setup that allows for the safe movement of personnel into, within and out of the facility based on the situation at hand.
- FMLA -** FMLA is available to all staff members who meet the requirements of the regulation. Family leave must be made available and accommodations made in situations that fall under this regulation.

**Discipline -**

A multiple step discipline policy should be in place to address areas of concern for staff that have risen to the level of a discipline issue. This policy should include counseling, development plans, review and updates, verbal, written and final warnings. It should also include the possibility of immediate suspension or termination should the situation warrant such action.

**Vehicle Usage -**

Vehicle usage for business purposes is restricted to usage that has been approved, in advance, by management. If a vehicle is used for business purposes, the driver must have a valid driver's license, a safe driving record and insurance in place that meets the minimum collision and liability requirements of either the state in which it is operated or the organization, whichever is more stringent. Proof of such insurance and a safe driving record must be provided prior to use of the vehicle for company business. In no circumstance should a personal vehicle be used to transport an employee without the proper releases being obtained and on file.

**Whistleblower Policy -**

Having a policy that encourages people to report their concerns without fear of retaliation is so critical to good governance. It is also the law. Federal and state laws prohibit employers from retaliating against employees who file complaints. A whistleblower policy encourages staff and volunteers to come forward with credible information on illegal practices or violations of adopted policies of the organization, specifies that the organization will protect the individual from retaliation, and identifies those staff or board members or outside parties to whom such information can be reported.

**Communication -**

An organization runs best when all individuals are informed of key information that allows them to utilize their skills and abilities to contribute to the organization's mission and purpose. A dynamic communication program includes face-to-face conversations, team meetings, company meetings, written communications, electronic communications and any other medium that allows for the timely exchange of information and ideas.

## ***Section V: Best Practices for Employee of Extended Employment Programs***

The Employee Section of the MASWM Best Practices seeks to support our mission of providing dignified, meaningful employment opportunities while developing work skills, social programs and community involvement through its employment practices. We will address five main employment areas including safety/comfort, dignity, work ethic, meaningful daily employment and social/behavioral skills development. The following is a summary of each area to be addressed.

### ➤ **Safety/Comfort**

Safety and comfort will address the steps to a safe work environment including parking, building access, offices and shop floors free of hazards, OSHA conformance, safety training, first aid and building egress in the case of an emergency.

Comfort will look at the work environment as it relates to lunchroom facilities, restrooms, water fountains, outside areas such as patios for lunch or smoking, employee lockers or other storage areas,

### ➤ **Dignity**

Dignity deals with how the individual is treated in the workplace. The focus will be on the individual, not the disability. It will deal with acceptable terms when talking or writing about individuals with disabilities. The areas include attitudinal barriers, developing skills that help to more effectively communicate at work with people with disabilities, developing effective practices for managing individuals with disabilities, etiquette and action for specific workplace situations.

### ➤ **Work Ethic**

Work ethic relates to the employer's role. It touches on human rights, HIPAA, the workplace culture top down, inclusive policies and practices, training on working with individuals with disabilities and being compliant in all employment laws.

### ➤ **Meaningful Daily Employment**

Meaningful employment will include the work available, the aspirations and interests of the individual, accommodations, training, increasing skill levels, coaching and listening.

It will also deal with motivation, discipline and support as they relate to the workplace.

### ➤ **Social/Behavioral Skills Development**

This area will encompass the data collection and analysis for root cause and effect of social/behavioral traits that impede successful job skills development and long term job success. It will also develop successful behavioral modification techniques to address identified areas for growth. All of this will be guided by the belief that the individual can be taught to be their own advocate and can control, to a large extent, factors affecting their success in social/employment areas.