



Personnel and Program Management Brief

Updated January 2016

1 WHAT WE WILL CONTINUE

- Staff ombudsmen are hired and fired by the AAA or subcontracted host agency. Volunteers are recruited and trained by the local ombudsman entity. Personnel management by AAAs also includes:
 - Oversight of compliance with host agency policies that do not restrict an ombudsman from performing official duties
 - Timesheet, attendance, and related
 - Determining salary and benefits
 - Assigned work space and equipment
- Ombudsmen get consent from residents and others to be able to work on their behalf. With express permission, this can include other AAA services, reporting complaints to regulatory, attorneys, law enforcement, and working with other agencies to resolve a problem or get needed information. It applies to all situations, including abuse, neglect, and exploitation.
- Consultation with a AAA director, other supervisor, or co-worker about hypothetical situations is appropriate.
- Volunteers go to their staff ombudsman or MLO for advice on how to solve a problem, to consult under certain required circumstances, and to get help when problems grow.
- Staff ombudsmen generally go through their MLO to consult with the state office, but that is up to the MLO to decide and notify the state office about their preference. State office provides guidance on cases, technical assistance and training on ombudsman actions and documentation, and can visit with the ombudsman at a facility or become directly involved in case resolution upon request.
- Concerns about a volunteer ombudsman's performance are often handled by the MLO without state office involvement. Upon request, or when a volunteer has a grievance, the volunteer is referred to the state office for a review of the decision. Generally in coordination with the MLO, the state ombudsman decides whether certification should be removed or suspended.
- Communication about general program requirements, including performance measures, funding decisions, and other communications from the state office go to local ombudsman entities and AAA management.
- AAA management is not included in communication between ombudsmen and state office that relates to ombudsman cases and activities.
- There are no reductions to funding for the AAAs to operate as local ombudsman entities.
- With permission from the person, ombudsmen should refer residents and other people to AAA services as needed.



2 WHAT WILL CHANGE

- Agreement between AAAs and the state office is needed on steps to take prior to hiring a potential ombudsman, and at termination. (45 CFR 1327.11(e)(1)(iv))
- Complaints about ombudsman performance that cannot be resolved by the MLO need to be referred to the state ombudsman. Notice should be given to the MLO's supervisor without identifying complainant details. The office will publish grievance procedures that outline the process for complaints made about an ombudsman. (45 CFR 1327.11(e)(7))
- AAA directors and other supervisors will no longer be able to serve as certified ombudsmen. Access to OmbudsManager and confidential information of the ombudsman program cannot be disclosed without consent from the resident or other complainant. Based on federal rule and guidance from ACL/AOA frequently asked questions, AAA directors and supervisors that are currently certified ombudsmen will have their certification status removed. (45 CFR 1327.11(e)(3), 1327.11(e)(6), and 1327.17)
- Intake processes may need to change if a AAA or ADRC is requiring all calls to come through intake. For example, the option for callers to directly reach their ombudsman needs to be available, and a process developed by the AAA/ADRC intake to refer to the ombudsman program without collection of information when the caller identifies they want help from an ombudsman, or request their ombudsman by name. Intake processes should allow for ease of transfer to the confidential phone line of an ombudsman. (45 CFR 1327.11(e)(3) and 1327.19(a)(3) and (b)(2)(i))
- The state office may see an increase in consultation and support needed for local ombudsmen, and will need to prioritize time for calls and travel as demand for that support dictates. (45 CFR 1327.17(a))
- Ombudsman communication to complainants about complaints involving abuse, neglect, or exploitation may need to change. We need to ensure our message offers our support as a resident advocate, but still directs the person to report to Regulatory Services (and the facility if the person is willing) for investigation of whether abuse occurred. (45 CFR 1327.19(b)(3)(iii) and 1327.19(b)(6) – (8))
- The state office monitoring process will be revised to include fiscal oversight. (45 CFR 1327.11(e)(1)(iv))
- AAA policies may not interfere with ombudsman work, including systems advocacy and contact with the media (per direction from the state office). (45 CFR 1327.11(e)(1)(ii), 1327.11(e)(5), and 1327.11(e)(8)(iii))

3 WHAT WE DON'T WANT TO LOSE

- Collaboration and cohesion of Older Americans Act services.
- Localized expertise and prompt response.
- Focus on residents. They need us to be there with and for them.



4 OTHER AREAS FOR CONSIDERATION

Feedback received on personnel management described some specific questions and concerns, which are addressed below.

Hiring

- AAAs need flexibility and authority to hire the most qualified applicant and remain in compliance with employment law. The state office wants to ensure that individuals hired as an ombudsman meet program requirements and are qualified to perform ombudsman functions. In order to develop tools to share with local ombudsman entities across the state, examples of job descriptions and interview questions are needed. A toolkit will be developed for use by local host agencies.

Firing

- At termination of a staff ombudsman, the state office needs to be promptly informed. If the decision to terminate an employee involves compliance with ombudsman policies and procedures, the host agency and state office will coordinate and share information as needed.

Staff ombudsman performance evaluations

- Aggregate data and program activities is not confidential and may be released to the host agency.
- If special analysis is needed, or if AAAs and host agencies would like to develop a form for the state office to complete upon request, an analysis of an ombudsman's performance is information that can be prepared and shared to meet the needs of local personnel management.

Compliance with performance measures

- To help us respond to concerns about a host agency being held accountable for performance measures when they do not manage the program, specific information is requested by the state office to understand what is needed by a AAA or other agency to manage contractual responsibilities and meet performance measures.

Host agency policies about media and legislative contacts. Host agencies with policies about media and legislative inquiries that direct inquiries to agency management must allow ombudsmen to comply with ombudsman policy by coordinating with the state office on media and legislative inquiries.

- Media requests for ombudsmen are coordinated through the state office to ensure consistency with ombudsman program policy.
- Systems advocacy involving corporations, or local, state, or federal policy are coordinated through the state office to ensure consistency with ombudsman program policy.



Backup to staff ombudsmen. Due to frequent travel and significant time spent in the field, or in the case of extended absence, ombudsmen need:

- to be mobile with equipment that supports their mobility, for example, a phone and computer; and
- to arrange backup with the state office as needed.