

1 **10A NCAC 06R .0305 PERSONNEL: CENTERS: HOMES WITH OPERATOR AND STAFF**

2 (a) General Requirements

- 3 (1) The owner of adult day care homes initially certified after January 1, 2003, or homes that make
4 structural building modifications after this date, shall reside in the home.
- 5 (2) Staff positions shall be planned and filled according to the goals of the program and the manpower
6 needed to develop and direct the activities which meet these goals.
- 7 (3) There shall be a statewide criminal history records search of all newly-hired employees of adult day
8 programs for the past five years conducted by an agency approved by the North Carolina
9 Administrative Offices of the Courts.
- 10 (4) There shall be a written job description for each position, full-time or part-time. The job description
11 shall specify qualifications of education and experience; to whom employee is responsible; duties
12 and responsibilities; ~~and salary range.~~
- 13 (5) References, including ~~former employers~~ employment verification of former employers, shall be
14 required in recruitment of staff.
- 15 (6) There shall be an established review process for each employee at least annually and following any
16 probationary period.
- 17 (7) There shall be a written plan for orientation and staff development of new employees and volunteers
18 and ongoing development and training of all staff. Documentation of such orientation, staff
19 development and training shall be recorded.
- 20 (8) There shall be a written plan for staff substitutions in case of absences. The plan shall include the
21 coverage of usual responsibilities as well as maintenance of staff/participant ratio. Substitute staff
22 shall have the same qualifications and training as those required by the position and in this
23 Subchapter. Substitutes are not required to have current certified CPR and First Aid training as long
24 as other staff are present with this training at all times. Trained volunteers may be used instead of
25 paid substitutes.
- 26 (9) Prior to beginning employment, each new employee shall present a written medical statement,
27 completed within the prior 12 months by a physician, nurse practitioner or physician's assistant,
28 certifying that the employee has no illness or health condition that would pose a health risk to others
29 and that the employee can perform the duties assigned in the job.

30 (b) Personnel Policies

- 31 (1) Personnel policies and their content are the responsibility of each adult day care program. Each
32 program shall state its policies in writing. A copy of this statement of personnel practice shall be
33 given to each employee and shall state the program's policy on the following:
- 34 (A) annual leave,
35 (B) educational opportunities,
36 (C) pay practices,
37 (D) employee benefits,

- 1 (E) grievance procedures,
- 2 (F) performance and evaluation procedures,
- 3 (G) criteria for advancement,
- 4 (H) discharge procedures,
- 5 (I) hiring and firing responsibility,
- 6 (J) use of any probationary period,
- 7 (K) staff participation in reviews of personnel practices,
- 8 (L) maternity leave,
- 9 (M) military leave,
- 10 (N) civil leave (jury duty and court attendance), and
- 11 (O) protection of confidential information.

12 (2) All policies developed shall conform to the United States Department of Labor wage and hour
13 regulations.

14 (c) Staffing Pattern. The staffing pattern shall be dependent upon the enrollment criteria and the particular needs of
15 the participants who are to be served. The ratio of staff to participants shall be adequate to meet the goals and
16 objectives of the program. Whenever regularly scheduled staff are absent, substitutes shall be used to maintain the
17 staff-participant ratio. The minimum ratios shall be as follows:

18 (1) Adult Day Care Homes

19 One full-time equivalent staff person with responsibility for direct participant care for each six
20 participants, up to 16 participants total.

21 (2) Adult Day Care Centers

22 One full-time equivalent staff person with responsibility for direct participant care for each eight
23 participants.

24 (d) Program Director

25 (1) The program director shall have the authority and responsibility for the management of activities
26 and direction of staff to ensure that activities and services are provided in accordance with
27 established program policies.

28 (2) The program director shall:

29 (A) be at least 18 years of age;

30 (B) have completed a minimum of two years of post secondary education from an institution
31 accredited by an accrediting agency recognized by the United States Department of
32 Education (including colleges, universities, technical institutes, and correspondence
33 schools) or have a high school diploma or the equivalent and a combination minimum of
34 five years experience and training in services to elderly or adults with disabilities;

35 (C) have at least two years of work experience in supervision and administration;

36 (D) present prior to employment, a written medical statement, completed within the prior 12
37 months by a physician, nurse practitioner, or physician's assistant, certifying that the

1 employee has no illness or health condition that would pose a risk to others and that the
2 employee can perform the duties assigned on the job; and

3 (E) provide at least three reference letters or the names of individuals who can be contacted,
4 ~~with whom a reference interview can be conducted, including at least one former employer,~~
5 one of which shall include previous employment verification. The individuals providing
6 reference information shall have knowledge of the applicant program director's background
7 and qualifications.

8 (3) In employing a program director, the governing body, agency or owner shall consider whether or
9 not applicants exhibit these characteristics:

10 (A) ability to make decisions and set goals;

11 (B) knowledge and understanding of the needs of the aging and disabled;

12 (C) ability to design and implement a varied, structured program of group and individual
13 activities; and

14 (D) managerial and administrative skills - ability to supervise staff and to plan and coordinate
15 staff training.

16 (4) The adult day care program shall have a full-time program director or a full-time substitute meeting
17 the requirements as specified in this Paragraph. The program director shall assign authority and
18 responsibility for the management of activities and direction of staff when the program director is
19 not on site.

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21 *History Note: Authority G.S. 131D-6; 143B-153;*
22 *Eff. July 1, 1978;*
23 *Amended Eff. September 1, 2007; July 1, 2007; May 1, 1992; July 1, 1990; July 1, 1984; January*
24 *1, ~~1981~~ 1981;*
25 *Readopted Eff. July 1, 2019.*
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