

EMPLOYEE TURNOVER: EFFECTS & IMPLICATIONS BEYOND THE OBVIOUS

by: Darryl A. Ross, Esq.

For those who know me, when I finish my day as an attorney, I put on my family hat which includes my role as Regional Commissioner for my city's American Youth Soccer Organization (AYSO) where I am privileged to oversee 2,000 children and 300 volunteers. Additionally, I am honored to serve on AYSO's national legal commission where I assist the organization managing risk, protecting children and volunteers, and providing support in connection with decisions that will affect over 500,000 players and 300,000 volunteers nationwide.

Through my service to AYSO, I have come to recognize similarities between the long term care provider community is tasked with, and my experiences within AYSO. Of course I am not comparing the responsibility of providing medical care and treatment to rehab and convalescent patients to that of teaching kids to play soccer. Instead, I am speaking to the responsibility of carrying out regulations and managing operations in the name of delivering a service to our customers that enhances their quality of life, while at the same time, is carried out in an environment that is positive and promotes loyalty from the organization to the employee / volunteer and vice-versa.

By no, you may be wondering where the piece is going. Before I answer that, let me throw out a few "numbers". What if I told you that your high-school son's batting average was .430? Or that as a pitcher, he strikes out 42.19% of opposing batters? Or that your daughter earned a 92.20% in a ridiculously difficult AP European history class? You might start dreaming of college scholarships. But what if I changed the facts and told you that the 42.19% represents the aggregate percentage of the "direct nursing" staff turnover in 2009 throughout California's 1,090 skilled nursing facilities? And the 92.20% represents turnover of nurse assistants at a single facility somewhere in California.

Turnover burdens other employees as they must pick up the additional shifts: turnover is costly, as you have to train new employees in your systems; and while you may be saying goodbye to someone you regard as simply an "employee", your residents are being forced to say goodbye to a person who has become a part of their family. I presume that you know all of the above and I am not presumptuous enough to tell you how to fix "morale" problems in your receptive facilities (AYSO instruction model of PIE might be useful – Positive Instruction and Encouragement).

In thinking about how to introduce this series, I spent considerable time reflecting on the similarities between long term care providers and running a youth soccer program. I was able to identify quite a few. Consider the following:

- Both are entrusted to care for a vulnerable segment of society;

- Both face changing business models: LTC facilities must contend with higher acuity residents, fewer availability reimbursement dollars, and more demanding families. AYSO was founded on a business model rooted in the spirit of volunteerism is being confronted by today's reality that people have less available time;
- Both face the task of motivating people, whether it's low paid employees engaged in a difficult job or volunteers who are asked to give their time;
- Both deal with staffing ratios, whether it's direct care staff to patient or coach to player; and
- Both are mandatory reporters.

What I and my colleagues hope to offer you over the next few newsletters is a new way to think about you employees, including the effect of turnover and the implications beyond the obvious. We will analyze important issues such as 1) what happens when an employee with significant knowledge about your operations, including growth strategies, leave for the competitor; 2) what that employee is permitted to share with his/her new employer; 3) what information may be "extracted" from someone you just plucked away from your rival; 4) social media policies and their impact on employee satisfaction and turnover; 5) progressive discipline policies and whether there really is an opportunity for the voice of a lower level employee to be heard; 6) the financial impact including the cost of training new staff; and 7) how can low turnover rates be used to attract higher acuity residents who likely carry higher reimbursement rates.

For my part in this series, I will incorporate certain ideas and lessons learned from my time at AYSO. While the consumers are different, there are many lessons learned that have application to the long term care community. So as I close the introductory piece, I want to share some of AYSO's 6 core philosophies ¹ with you, only they have been slightly modified to, perhaps, have application to your circumstances.

Positive Coaching: Encouragement of employee effort provides for greater enjoyment from the employee and ultimately leads to better-skilled and better-motivated employees...

Employee Development: All employees should be able to develop their work skills and knowledge to the best of their abilities, both individually and members of your team, in order to maximize enjoyment of their job...

Balanced Teams: Work schedules are formed as evenly and balanced as possible – because it is fair and employees will feel better about where they work if they believe that have a chance to succeed and that staffing burdens are spread amongst all employees...

Good Sportsmanship: Strive to create a positive environment based on mutual respect...and the facility is designed to instill an open environment where everybody has an opportunity to participate and affect positive change....

¹ Open Registration, Everyone Plays, Balanced Teams, Positive Coaching, Good Sportsmanship and Player Development

The preceding ties to the core belief that treating people well and making them feel valued will not only engender feeling of good will, but will eventually generate a feeling of being part of something worthwhile and just. Our next article will explore some of these concepts further, including the do's and don'ts related to information a former employee may provide to an employer and/or information you may obtain from your new star employee.

About the Author:

Darryl Ross is a Shareholder with the firm of Wroten & Associates and maintains a diverse litigation practice with experience handling all aspects of civil litigation including arbitrations, complex settlements, trials (jury and court), and appeals. Mr. Ross' practice focuses on the defense of nursing homes and residential care facilities. He has successfully handled a wide variety of health care matters for public and private entities including insurance coverage issues, product liability claims, interpretation, advice and enforcement of medical staff bylaws, as well as class action litigation.

Mr. Ross is a frequent speaker at industry conferences and forums and has given numerous Webinars for clients on a variety of issues impacting their operations. Recent presentations include How to Deal with a Challenging Resident?, What Rights Do Facilities Have When They Discover a Sex Offender is Living in the Building?, and How to Protect the QA Process.

Mr. Ross is a member of the California Association of Healthcare Facilities Legal Committee, as well as a member of the American Youth Soccer Organization's (AYSO) National Legal Commission. Mr. Ross is also a Planning Commissioner for the City of Aliso Viejo California, as well as Regional Commissioner of AYSO Region 889 located in Aliso Viejo, California.

For more information about Wroten & Associates, Inc. please visit www.wrotenlaw.com. To contact Darryl A. Ross directly please email DRoss@wrotenlaw.com.