

## Employer and Fiscal Employment Agency Agreement

This agreement is between Jean Gottwald, Fiscal Agent and

Employer/Member, \_\_\_\_\_

I am the \_\_\_\_\_ Member, the \_\_\_\_\_ Guardian/POA. I have chosen to receive Fiscal Agent services from Jean Gottwald.

This agreement helps everyone understand their role and responsibilities related to the Fiscal Employment Agency program.

### **MEMBER/EMPLOYER or GUARDIAN/POA roles and responsibilities:**

1. Complete all forms required to get the Fiscal Agent program set up.
2. Make sure that Jean Gottwald has a copy of legal documents if guardian or POA is applicable.
3. Follow all Federal and State regulations regarding employment processes, equal employment opportunities, non-discrimination and all other laws to ensure that fair and consistent practices are being used.
4. Understand that the member (person receiving services) is the employer of record and chooses their employees. As the employer, you are responsible for:
  - Screening, hiring, training and supervision of the employees
  - The actions of the employees
  - Actions taken as an employer towards the employees
5. Understand that Jean Gottwald is NOT the employer. Jean Gottwald assists with administrative tasks and performs payroll services for the employees hired by the member.
6. Require that employees turn in accurate timesheets on a timely basis. Review the timesheets for accuracy and validate by signing timesheet.
7. Understand concerns of fraud and abuse and will not sign timesheets that list hours not worked or list any other fraudulent information that results in overpayments.
8. Stay within the guidelines of what is authorized for hours worked and tasks required – not using more hours than what care manager has approved.
9. Provides employees with good training so needs and outcomes are met.
10. Responsible for the payment of any wages and expenses that exceed the amount authorized in the member's budget and/or all overtime payments.
11. Responsible to report issues or concerns of safety, health or well-being (to include abuse, neglect and misappropriation of funds) immediately to care management team.
12. Understands that issues/concerns with employee timesheets are directed to Jean Gottwald.
13. Responsible to inform Jean Gottwald of status changes with employees (i.e. new employees, employees that are no longer working for member, etc.).

**COMPLETE AND RETURN**

14. Ensure employee reports work-related injury within 24 hours to Jean Gottwald (contacts listed below)
15. Responsible to inform Jean Gottwald of any employees who do not work for 90 days or more.

**FISCAL EMPLOYMENT AGENCY roles and responsibilities:**

1. Provide and coordinate all paperwork necessary to get the member and their employees set up in the Fiscal Agent program.
2. Set up Federal Identification Number, worker compensation, state unemployment (if required) and all other paperwork required for the Fiscal Agent program.
3. Pay wages to the member's employees according to approved timesheets.
4. Make appropriate monthly payroll tax payments to include: federal withholding tax deposits, state withholding tax deposits and any assigned employee wage garnishments.
5. File quarterly aggregate and individual tax reports and make appropriate tax payments to include: IRS Form 941 Employer's Federal Tax Return, Form 941 Schedules A and R and State of Wisconsin Unemployment Insurance (SUTA) Form UCT101.
6. File annual aggregate and individual tax reports and make appropriate tax payments to include: W-2 Wage and Tax Statement, W-3 Transmittal of Wage and Tax Statements, Form 940 Employer's Annual Federal Unemployment (FUTA) Tax Return, Form 940 Schedule R, State of Wisconsin WT-7 Employers Annual Reconciliation of Wisconsin Income Tax Withheld and check issuance of refundable FICA/Medicare taxes withheld to employees under the annual threshold.
7. Maintain payroll records for every employer and provider in accordance with state and federal laws and regulations.
8. Submit claims to the funding agency on behalf of the member.
9. Inform and communicate with the member and/or care manager when hours exceed authorized units.
10. Inform the member of our Fiscal Agent website which contains tools they can use to assist them with trainings and other employer-related functions (in process).
11. Provide excellent customer service so the member can achieve great outcomes.

Summary: The member is the employer of record and is responsible for all personnel practices and their employees. The fiscal agent relationship of Jean Gottwald, to the member, is that of performing limited administrative tasks and payroll services for the member and their employees. Neither party is an employee or representative of the other party.

The member/employer will hold Jean Gottwald, Fiscal Agent harmless of any lawsuits or claims resulting from the actions of the member/employer and/or the employee(s) of the member. Any damages or costs incurred, including the costs of corporate counsel, will be paid for by the member.

Signatures and dates below indicate understanding and acceptance of agreement.

Member/Employer or Guardian \_\_\_\_\_

Jean Gottwald \_\_\_\_\_