

PLEASE READ CAREFULLY



STATE OF CALIFORNIA –
HEALTH AND HUMAN SERVICES AGENCY
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
ADULT PROGRAMS DIVISION

Important Information for the In-Home Supportive Services (IHSS) Provider



This notice is regarding a **recent change in state law that affects IHSS recipients and providers.** (Welfare and Institutions Code sections 12300.4, 12300.41 and 12301.1) The new law says that IHSS **providers will be paid overtime** within certain limits, and **will be paid for their travel time** between recipients, within limits.

You must read and sign the attached SOC 846 form to show that you understand the new workweek limits explained in this notice. You must return the signed SOC 846 form to the county **by December 15, 2014.**

When the Changes Go Into Effect

The changes go into effect January 1, 2015. At that time, you will have a **new timesheet** (please see attached sample). Training on how to complete the new timesheet will be available prior to January 1, 2015, and ongoing. The workweek and travel time limits will not be enforced for the first three months after the changes go into effect. This means that you will not receive a violation for claiming more hours than the workweek limit and/or more than the weekly travel time limit until after March 31, 2015.

After April 1, 2015, if you submit a timesheet reporting hours over the workweek and travel time limits, you will get a violation.

This notice gives you information about the workweek and travel time limits and the violations for exceeding the limits.

What Has Changed?

Limit on How Many Hours You Can Work in a Workweek

The maximum number of hours you will be allowed to work in a workweek will be between 61 and 66.

The exact number of hours you will be allowed to work will depend on:

1. How many hours of authorized services your recipient gets each week.
2. How many recipients you work for.
3. Whether your recipient has any other providers.

<p>Under state law, the maximum total number of weekly authorized hours in the IHSS program is 283 hours per month, which, divided by 4.33 weeks, equals 66 hours per week.</p>	<p>4.33 weeks/month</p> <div style="display: inline-block; border-left: 1px solid black; border-right: 1px solid black; padding: 0 10px;"> <p style="margin: 0;">66 hours/week</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="margin: 0;">283 hours/month</p> </div>
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If you provide services for a recipient who gets up to 66 weekly authorized hours, you can work up to 66 hours per workweek if that person is the **only** recipient you work for. Otherwise, you cannot work more than 61 hours per workweek.

Recipient Hours / Week	Provider Hours Allowed
Up to 66 weekly authorized hours	66 hours / workweek
Less than 66 weekly authorized hours	Not more than 61 hours / workweek

Both you and your recipient will get a **notice telling you how many authorized service hours** he/she gets each month and each week. Generally, you will be able to work up to your recipient’s authorized weekly hours. You must tell your recipient(s) how many hours you are available to work for him/her/them.

If you work for more than one recipient, the combined hours you work for all your recipients cannot add up to more than 61-66 hours each workweek. Your recipient(s) may need to hire another provider(s) to make sure you do not work more than 61-66 hours in a workweek.

Overtime Pay

You will get paid the overtime pay rate when you work more than 40 hours in a workweek. The workweek begins at midnight (12:00 a.m.) on Sunday and ends just before midnight (11:59 p.m.) the following Saturday.

The overtime pay rate is one and a half times the regular pay rate. If your pay rate is \$10 then your overtime rate will be \$15 ($1.5 \times \$10 = \15).

Example

If you earn \$10 per hour and you work 45 hours in a workweek:

- you will get paid \$10 per hour for the first 40 hours
($\$10 \times 40 = \400)

and

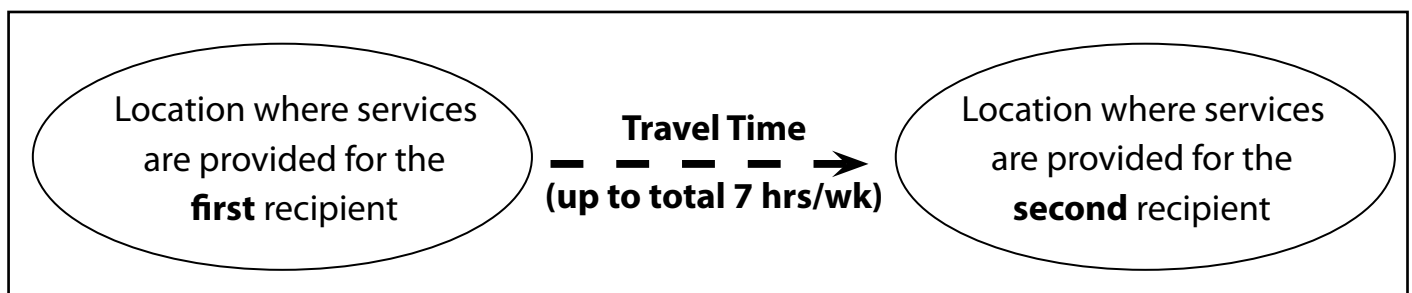
- \$15 per hour for the 5 hours you work over 40 hours in the workweek
($5 \times \$15 = \75)

Your Total Pay would be \$475

Travel Time Pay

Beginning January 1, 2015, if you work for more than one recipient on the same day, you will get paid for travel time.

Travel time is the time it takes to **travel directly** from the location where you provide services for one recipient to another location where you provide services for a different recipient.



Travel time **does not include** the time it takes you to travel from your own home to the location where you provide services for a recipient or back home after your work is completed.

You will get paid for travel time whether you **drive a car or you take public transit**.

You must **keep track of your travel time** each week so that you can report it on your timesheet.

Limit on Travel Time

The maximum amount of time providers will be allowed to travel during a workweek is **7 hours**. Travel time **will not be counted** as part of the 61-66 maximum hours you can work in a workweek.

- If your travel time is going to be more than 7 hours per workweek, you will have to rearrange your work schedule with your recipients to make sure your travel time is no more than seven hours per workweek.
- If you submit a timesheet reporting travel time of more than 7 hours in a workweek, you will get paid for the travel time claimed BUT you will get a violation.

More information on the Violations for Going Over Workweek & Travel Time Limits section is on page 8.

Adjusting Hours

Working More Than Your Recipient's Weekly Hours

A recipient can authorize you to work more than his/her weekly hours without asking the county for approval **as long as** the authorization does **not cause you to work**:

- More than 40 hours for him/her in a workweek; **and**
- More than his/her total authorized monthly service hours

If you do not normally work more than 40 hours in a workweek for a recipient, and he/she needs you to work more than 40 hours in a workweek, the recipient needs to ask the county for approval to adjust authorized weekly hours.

Approval of an Adjustment Request is when the recipient asks the county to allow him/her to authorize you to adjust your schedule to work more than your normal hours during a workweek and it causes you to work overtime.

The recipient can ask the county for approval for an adjustment either before or after he/she authorizes you to work more hours.

- **Within 10 days** of the day your recipient asks for approval for an adjustment over the phone, both the recipient and you will get a notice from the county telling you whether the request for an adjustment has been approved or denied.

A recipient can never authorize you to work more than 61-66 hours during a workweek.

Also, a recipient cannot authorize you to work more than his/her total authorized monthly service hours.

If a recipient asks you to work more than his/her weekly hours in one week, the recipient must reduce your hours the following week(s) so that you do not work more than the recipient's total monthly service hours.

If you work for more than one recipient:

- When one recipient asks you to work more than his/her weekly hours, you have to consider how working more hours for that recipient will affect the hours you work for your other recipient(s) and your total workweek hours.
- If working more hours for one recipient would cause you to **work more than 61-66 total hours** for all of your recipients, **you must tell your recipient that you cannot work more hours**. He/she will need to have another provider work the additional hours.

If you submit a timesheet(s) reporting that you worked more hours in a workweek than you are allowed to work, you will get a violation.

More information on the Violations for Going Over Workweek & Travel Time Limits section is on page 8.

For Recipients with “61 to 66 Weekly Authorized Hours and One Provider” – Working More Than Your Recipient’s Weekly Hours

If you only work for a single IHSS recipient that gets weekly authorized service hours between 61 to 66 hours and you are that recipient’s only provider, your recipient can allow you to work more than his/her weekly authorized hours.

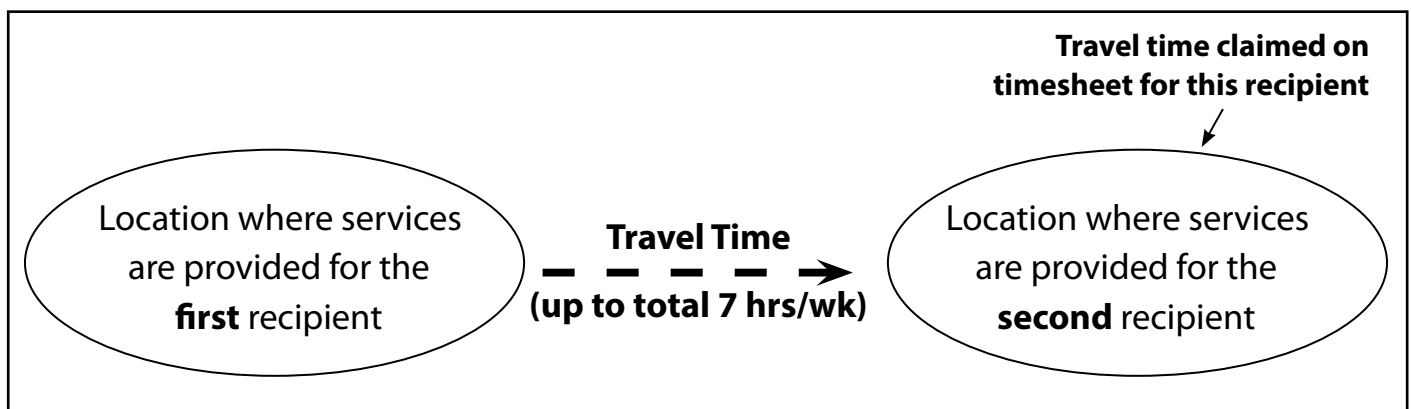
The recipient needs to ask the county for approval for an adjustment and you and your recipient must make sure that you work less hours the following week(s) to make sure you do not work more than your recipient’s total authorized monthly service hours and that you do not work more overtime than you normally would for the month.

Submitting Your Timesheet

When the new workweek and travel time rules go into effect on **January 1, 2015**, you will report all of the hours you work on your timesheet like you do now.

If you are traveling between the locations where you provide services for different recipients on the same day, you will also report your travel time on your timesheet.

- **Your travel time will be claimed on the timesheet of the recipient who you traveled to.**



You must submit your timesheet (signed by both you and your recipient) on time.

- That means you must submit it within two weeks after the end of each pay period.
- If you submit your timesheet on time, you will get paid within 10 days of the day it is received at the timesheet processing facility.
- If you do not submit your timesheet on time, it may take up to 30 days from the day your timesheet is received at the timesheet processing facility for you to get paid.

Forms

IHSS Provider Enrollment Agreement (SOC 846)

You must read and sign the attached SOC 846 form to show that you understand the new workweek limits explained in this notice. You must return the signed SOC 846 form to the county **by December 15, 2014**.

The county will send you a photocopy of your signed SOC 846 form for your records. If you work for (or plan to work for) more than one recipient, you must also complete, sign and submit to the county the IHSS Provider Workweek and Travel Time Agreement (SOC 2255).

Note: If you need to complete the SOC 2255 form and a blank one is not attached to this notice, call the county and ask for one to be sent to you.

IHSS Recipient / Provider Workweek Agreement (SOC 2256)

If you provide services for a recipient who also gets services from another provider(s), you and that recipient must complete the SOC 2256 form together to let the recipient and the county know how many hours you will work for him/her each week.

Both you and the recipient must sign the same SOC 2256 form, and the recipient must return it to the county by **December 15, 2014**.

If the recipient does not return the signed SOC 2256 form to the county by December 15, 2014, the recipient will not be authorized to receive IHSS until the county has informed the recipient that they have received the form.

The county will send both you and your recipient a copy of the completed and signed SOC 2256 form for your records.

Violations for Going Over Workweek & Travel Time Limits

Beginning on April 1, 2015, If you submit a timesheet reporting hours that go over the workweek or travel time limits, you will get a violation.

Each time you do any of the following you will get a violation:

- You work more than 40 hours in a workweek for a recipient without the recipient getting approval from the county (when you would not normally work more than 40 hours in a workweek for that recipient);
- You work more than a total of 61-66 hours in a workweek for a recipient that you are not in a one-to-one recipient/provider relationship with;
- You work more than 61-66 hours in a workweek without the recipient getting an approval from the county; or
- Your travel time is more than 7 hours in a workweek.

For each violation you get, your recipient(s) will be informed, and there will be a consequence:

First Violation	<ul style="list-style-type: none"> • You will get a violation notice.
Second Violation	<ul style="list-style-type: none"> • You will get another violation notice, and you will have to complete special training about the workweek and travel time limits. You will get paid for the time you spend completing the training. • If you do not complete the training within 14 calendar days of getting the violation notice, you will automatically get your third violation.
Third Violation	<ul style="list-style-type: none"> • You will be suspended as a provider for three months.
Fourth Violation <i>(upon being reinstated after the three - month suspension)</i>	<ul style="list-style-type: none"> • You will be terminated as a provider for one year.

Once you have received a violation, the violation will remain on your record. However, after one year, if you do not receive another violation, the number of violations you have received will be reduced by one.

- As long as you do not receive any additional violations, each year after the last violation, your number of violations will be reduced by one.

If you receive a fourth violation and are terminated as a provider for one year, when the year is up and you apply again to be an IHSS provider, your violations count will be reset to zero.

If you get terminated as a provider because you get multiple violations, when the one- year termination ends, you will have to complete all of the provider enrollment requirements again, including the criminal background check, provider orientation, and completing all required forms, before you can be reinstated. Once you are reinstated, your violations count will be reset to zero.

**If you do not understand the information in this notice or
if you have any questions about it, call the county
IHSS Office or the county IHSS Public Authority.**

This page will only be sent to providers that CMIPS II identifies as providing services for more than one recipient.

SOC 2255

If you work for (or plan to work for) more than one IHSS recipient, you must complete the attached SOC 2255 form.

The purpose of the SOC 2255 form is to let the county know:

- All of the recipients you work for;
- How many hours you will work for each recipient each workweek;
- How many total hours you will work for all recipients each workweek; and
- How much travel time you will have each workweek.

Completing the SOC 2255 form will help make sure that you do not work more or travel more than you are allowed to each workweek.

You must sign the SOC 2255 form to show that you understand and agree to the new workweek and travel time limits. **You must return it to the county by December 15, 2014.**

If you do not return the completed and signed SOC 2255 form to the county by:

- **December 15, 2014** – You will not get paid for travel time until you return it to the county.
- **March 1, 2015** – You will be terminated as a provider as of April 1, 2015.

The county will send you a photocopy of the completed and signed SOC 2255 form for your records.