



# PASC SPECIAL EDITION TELE-TOWN HALL

What you need to know about the  
new provider overtime rules and  
regulations.



A photograph showing a person in a blue shirt assisting an elderly person with a cane. The person in blue is reaching out to support the elderly person's arm. The elderly person is holding a wooden cane. The background is blurred, suggesting an indoor setting.

# Overview of FLSA Requirements



# Where to get SOC 846

Call your provider clerk at IHSS office.

Call Public Authority – PASC 877-565-4477

Or press \*3 now and let one of our screeners know  
that you need the SOC 846 form mailed to you.

# Key Terms

**Monthly authorized hours** is the total number of IHSS service hours a consumer is authorized per month.

**Maximum Weekly Hours** is the number of service hours that a consumer is authorized per workweek.

**Workweek** – The IHSS workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on Saturday.

# Key Terms

**Overtime** pay rate is one and a half times your regular pay rate. Overtime is all hours worked over 40 hours in a workweek, including travel time.

**Travel time** – Providers who work for more than one consumer may also be paid the time it takes for a provider to travel directly from providing services to one consumer to providing services to the next consumer on the same workday. A provider may be paid up to a total of 7 hours of travel time per workweek.

# Key Terms

**Violation** – It's important that providers follow all of the overtime and travel time limitations. If they fail to comply with the limitations, they will get a **violation** that has a consequence.

# Where to send the SOC 846 form

All forms are to be mailed to the Recipient's IHSS office if you live in LA County.

## **San Diego**

**Providers** will send the completed SOC 846 and SOC 2255 forms to the following address

Attention: Provider Enrollment Department  
780 Bay Blvd Suite 200  
Chula Vista CA, 91910

## **Consumers**

All questions regarding provider overtime and forms, contact the

IHSS Overtime Assistance Unit  
In-Home Supportive Services  
P.O. Box 23217  
San Diego, CA 92193  
Fax number (858) 505-6683  
Phone 1-844-841-7442

# Forms



# IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM PROVIDER ENROLLMENT AGREEMENT

PROVIDER NUMBER

PROVIDER NAME (FIRST, MIDDLE, LAST)

1. I attended the required provider enrollment orientation for IHSS providers and I understand and agree to the following:
  - I was given information about being a provider in the IHSS program.
  - I was informed of my responsibilities as an IHSS provider.
  - I was informed of the consequences of committing fraud in the IHSS program.

**SOC 846**

fraud or abuse in the IHSS program.

2. I understand the following:

Provider Number \_\_\_\_\_

## IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM PROVIDER WORKWEEK & TRAVEL TIME AGREEMENT

(To be completed by a provider who provides authorized services to multiple recipients)

PROVIDER NAME:

PROVIDER NUMBER:

### PART A. WORKWEEK SCHEDULE

#### PROVIDER REQUIREMENTS:

- State law (Welfare and Institutions Code section 12300.4) limits providers in the IHSS and Waiver Personal Care Services (WPCS) programs to working a maximum weekly number of hours providing IHSS and WPCS. A provider who works for multiple recipients is limited to providing 66 hours per workweek.
- The maximum weekly workweek does not include travel time as described in Part B of this form. The workweek starts on Sunday at 12:00 a.m. (midnight) and ends at 11:59 p.m. on the following Saturday.

# SOC 2255

authorized hours, but he/she must get approval from the county if the adjustment will result in either a provider working hours in the month than the provider would normally work or working over 40 hours in any workweek for him/her (when, he/she is authorized to receive 40 hours or less in services in a workweek.)

- It is your responsibility as a provider to:

# IN-HOME SUPPORTIVE SERVICES PROGRAM RECIPIENT AND PROVIDER WORKWEEK AGREEMENT

IHSS RECIPIENT CASE #

RECIPIENT NAME (FIRST, MIDDLE, LAST)

My total monthly authorized hours are \_\_\_\_\_.

My total monthly authorized hours will now be divided by 4 to determine my weekly hours. My maximum weekly hours are \_\_\_\_\_. Under certain circumstances I may be able to adjust my weekly authorized hours which will allow me to give more hours in one week than I normally give, as long as I use less hours than my total authorized hours for the month.

**SOC 2256**

I understand that this form is a tool to help me schedule hours for my provider(s). My schedule helps me to ensure that my provider(s) stay(s) within my monthly authorized hours.

# Submitting Timesheet & Travel claim form



# Travel Time

**Providers who have multiple recipients will be required to complete:**

**SOC 2255**

## **IHSS Program Provider Workweek & Travel Time Agreement**

**This completed form must be submitted and processed before providers are eligible to receive travel time compensation.**

# Travel Time

## Conditions

- For providers with multiple recipients.
- Must travel directly from one location where services are provided to another location where services are provided on the same day.
- Must have submitted a timesheet for service hours with corresponding dates.

## Limits

- Travel time is limited to 7 hours per week and will not be deducted from the recipient's monthly authorized hours.
- Travel time is not included in the overtime limit of 66 hours/week.

## Violations

- Travel time in excess of 7 hours will be paid but the provider will receive a violation.

## Travel Time Pay

Beginning February 1, 2016, if you work for more than one recipient at different locations on the same day, you will be eligible to be paid for traveling between the two recipients, up to 7 hours per workweek.

Travel time payment covers 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 on the same day.

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.

## Travel Time Pay cont.

You will get paid for travel time regardless of your method of travel (driving a car, taking public transit, walking, riding a bicycle).

You must keep track of your travel time each week so that you can report it on your travel claim form which you will receive from the county IHSS office.

**Your time spent traveling between recipient locations does not count toward the maximum weekly hours of 66 hours and is not deducted from any recipient's monthly authorized hours.**



# Adjusting Hours

# Adjusting Hours

**Provider that works for one recipient and that recipient has no other providers:**

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

- More overtime hours in the month than you would normally work

## Adjusting Hours cont.

### **For Providers Working for More Than One Recipient – Working More Than Your Recipient’s Maximum Weekly Hours**

One of your recipients can authorize you to work more than his/her weekly authorized hours without asking the county for approval as long as the authorization does not cause you to work:

- More than 40 hours for your recipient in a workweek if his/her maximum weekly hours are 40 hours or less in a workweek
- More overtime hours in the month than you would normally work
- More than 66 hours per workweek

# Provider Violations

# Provider Violations for going over Workweek & Travel time limits

**Each time a provider does any of the following, they will get a violation.**

1. Provider works more than 40 hours in a workweek for you without you getting approval from the county when you are authorized less than 40 hours in a workweek
2. Provider works more hours for you than you are authorized in a workweek without getting approval from the county, causing more overtime hours in the month than normal
3. Provider has more than one recipient, and he/she works more than 66 hours in a workweek
4. Claimed travel time is more than seven hours in a workweek

# Violations

**First Violation**      **Your recipient(s) and you will get a notice of the violation with appeal rights information**

Second  
Violation

- Your recipients) and you will get a notice of the violation,  
and you will have a choice to complete a one-time  
training about the workweek and travel time  
limits. If you  
choose to complete the training, you will avoid a  
second  
violation
- If you choose not to complete the training within

## Violations cont.

### Third Violation

- Your recipient(s) and you will get a notice of the third violation with appeal rights information.
- You will be suspended as an IHSS provider with the IHSS program for three months

### Fourth Violation

- Your recipient(s) and you will get a notice of the fourth violation with appeal rights information.
- You will be terminated as an IHSS provider with the IHSS program for one year

## Violations cont.

- If more than one violation occurs during a single month, regardless of how many occur on individual weeks in the month, it will only count as **one violation**.
- You have ten calendar days from the date of the violation notice to contact the county and request a county review of the violation.
- Violations 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.



## Violations cont.

- If you get terminated because you received a fourth violation, when the one-year termination ends, you will have to complete all of the provider enrollment requirements again before you can work as an IHSS provider, including the criminal background check, provider orientation, and all required forms.

## Violations cont.

- If you get terminated because you received a fourth violation, when the one-year termination ends, you will have to complete all of the provider enrollment requirements again before you can work as an IHSS provider, including the criminal background check, provider orientation, and all required forms.

# Key Points

- The defined workweek is from Sunday, 12:00AM, to Saturday, 11:59PM.
- Providers should not work more than their assigned total maximum weekly hours.
- Providers who work for more than one consumer cannot work more than 66 hours per workweek.
- Providers should not exceed 7 hours per week of travel time.
- Travel time is documented on the travel claim form for the consumer that the provider is traveling to.
- Both consumers and providers need to understand the approval process for adjusting hours.
- Violations are the result of not following IHSS program overtime and travel time rules.