

**Waiver Personal Care Services (WPCS)
Overtime**

**Frequently Asked Questions (FAQs) for
Waiver Participants**

Will my monthly authorized personal care service hours change?

No. The new overtime rules will not change the amount of Waiver Personal Care Services (WPCS) you are authorized through the In-Home Operations (IHO) or Nursing Facility/Acute Hospital (NF/AH) Waivers. And the new overtime rules should not change the amount of In-Home Supportive Services (IHSS) you are authorized. But you may have to hire more providers because of limits on how many hours a provider can work per week and per month.

What happens if the cost of overtime makes me go over my yearly cost cap?

If this happens, your IHO Nurse will not cut your approved WPCS hours as a result of overtime costs.

When do the new WPCS overtime rules start?

The new rules started on February 1, 2016. The ability to pay overtime began February 1, 2016. However, violations for not following the overtime and travel limitation guidelines will begin May 1, 2016.

Is there a grace period?

Yes. There is a three month grace period. To allow participants and providers to get used to the changes, violations will not be enforced during the 3-month period between February 1st, 2016 and April 30th, 2016. During this time, a provider will be paid for all overtime hours he/she works. The Department of Health Care Services (DHCS) or the county social worker (depending upon the program) are responsible for outreach on coaching participants and providers before May 1, 2016 regarding violations.

On May 1, 2016, the DHCS or the county social worker will start to send violation notices to providers who do not follow the new rules.

What is considered overtime?

Overtime is considered any time worked over 40 hours in one workweek. A workweek starts at 12:00 a.m. on Sunday and ends at 11:59 p.m. the next Saturday.

What is the overtime pay rate?

The overtime pay rate is one and a half times the regular county pay rate.

How many hours can my provider claim in a workweek?

You and your provider must plan the times for each workweek that he/she will care for you, which, in general, may not exceed your weekly and monthly hour caps.

Single provider working for only one participant: If you have only one provider, who works only for you, the maximum hours the provider may work in a workweek is your maximum weekly hours. A single provider providing services to a single participant who has the maximum number of hours authorized can claim up to 70-hours and 45 minutes in one week without incurring a violation

Single provider working for multiple participants: If you have only one provider and that provider works for other participants as well, the maximum number of hours that the provider may claim in a workweek for all of the time he/she works for all the participants combined is 66 hours.

Multiple providers: If there are multiple providers providing services to you, you may divide the maximum weekly hours amongst the providers as long as the total hours of all providers combined in a week do not exceed your maximum weekly hours.

How do I know how many hours I'm allowed each week?

Your weekly authorized hours equal your total monthly hours divided by 4. However, your hours have to be spread over the whole month, which may have more than four weeks. Also, there are exceptions to the weekly limit; See "**Can my provider work more than my weekly allowed hours?**"

Can my provider work more than my weekly allowed hours?

On occasion, it may be necessary for your provider to work more than your maximum weekly hours. You may allow your provider to do that without requesting approval from your IHO Nurse if the hours worked:

- Do not result in your provider working more than 12 hours in a day;
- Do not result in your provider working more than 40 hours in a workweek when you are authorized 40 hours or less in a workweek; or Do not result in your provider receiving more overtime hours than he/she normally works in a calendar month;
- And do not result in your provider who works for you and other participants working more than the maximum weekly limit of 66 hours.

How do I ask IHO to approve an exception in my provider's allowed weekly hours when needed?

If you need your provider to work more than the authorized maximum weekly hours and the hours your provider works do not meet all of the criteria mentioned previously, you must contact your IHO Nurse to obtain an exception to allow your provider to work the additional overtime hours. You must inform your IHO Nurse of the request to change as early as possible and prior to timesheet submission. The IHO Nurse will review the request to determine if all of the following conditions exist to support the request:

- Is this an unexpected need?
- Is the need immediate?
- Can the need wait for a backup provider?
- Is the recipient's health or safety in danger?

If the answer is yes to any conditions above, IHO will mail a notice to you and your provider to let you know if they approve the change. You and your provider will get this notice within 10 days of your request to approve the exception.

What if I have a recurring need to move provider hours due to travel or scheduled medical appointments?

Please tell your IHO Nurse of your recurring need that requires an adjustment of your provider's weekly hours. IHO will adjust your weekly hours and issue WPCS Notices to you and your provider informing you and your provider of the approval.

What if I need my provider, who works only for me, to work over the 283 hour a month limit?

There is an exemption which allows a provider, in certain circumstances, to work up to a maximum of 12 hours per day or 360 hours per month of WPCS and IHSS combined.

To get this exemption, your provider must meet at least one of the three following criteria below on or before January 31, 2016:

- Your provider resides in the same house as you; or
- Your provider has an active and established working relationship for two or more years with you; or
- There are no other available providers in the area after working closely with your IHO Nurse to secure additional providers for you.

How can I or my provider request an exemption?

Your provider must request a Workweek Exemption for WPCS Care Providers form from your IHO Nurse. A Workweek Exemption form will be mailed to your provider.

Your provider must complete the form and return it to the IHO address located on the form. IHO will mail a notice to you and your provider to let you and your provider know if IHO approved the exemption.

If I enrolled in either the NF/AH or IHO waiver after January 31, 2016, can I receive an exemption for the 283 hours per month limit for one or more of my care providers?

IHO is considering an exemption for care providers who work for NF/AH and IHO waiver participants enrolled in either the NF/AH or IHO waiver after January 31, 2016, allowing overtime hours up to the waiver limit (12-hour work day, or 360 hours per month). This exemption will be granted on a case-by-case basis. If you enrolled in either the NF/AH or IHO waivers after January 31, 2016, please talk to your IHO nurse if you think you and your provider(s) need this exemption.

What is travel time?

Providers who work for more than one participant, for either WPCS or IHSS, will be paid up to 7 hours per workweek when traveling directly from providing service to one participant to providing services to another participant on the same day. A provider may not exceed a total of 7 hours of travel time per workweek. Travel time does not include the time it takes providers to travel from their own home to the location where they provide services for a participant or back home after their work is completed. A provider's time spent traveling between participants locations **does not** count toward the maximum weekly hours and **is not** deducted from participants' monthly authorized hours.

How can my provider get paid for travel time?

Your provider needs to fill out the WPCS Provider Workweek and Travel Time Agreement Form, and then send it to the IHO mailing address located on the form instruction page. After IHO gets this form, and it is entered into the Case Management Information and Payroll System (CMIPS), your provider will be mailed a Travel Claim Form along with his/her next timesheet. To claim travel time, providers will need to correctly submit a Travel Claim Form along with their corresponding timesheet to the Timesheet Processing Facility. Travel Claim Forms will not be processed until a corresponding timesheet with the same service dates have been processed.

The WPCS Provider Workweek and Travel Time Agreement Form must be updated and resubmitted when there is a change in providers and/or circumstances that result in a permanent change in any provider's work schedule.

Will travel hours count as part of my service hours?

No. Travel time is not counted towards part of your service hours. Travel time is not taken from your monthly allowed hours for IHSS and WPCS.

What is a violation?

Violations result from not following overtime and travel time limitations. Beginning May 1st, 2016, any provider who submits a timesheet reporting hours that go over the workweek or travel time limits will receive a violation with a notice of how to request a DHCS or County Social Worker review.

It is important that providers follow all of the overtime and travel time limitations to avoid receiving a violation.

What happens if my provider claims more than his/her allowed weekly hours without an approval?

It is important for you and your provider(s) to follow all IHSS and WPCS program and timesheet limitations so providers do not work and claim excess hours. If your provider(s) fails to comply with the limitations, they will get a violation.

Starting on May 1, 2016, your provider will get a violation notice if his/her timesheet has more hours than allowed. This includes allowed workweek hours or travel time hours. You must ask IHO to approve changes, before your provider works more hours or soon after, but prior to timesheet submission

Below are reasons a provider will get a violation.

- If a provider is only allowed to work less than 40 hours in a work week and works more than 40 hours without approval from IHO.
- Provider works more overtime hours in a month than normal without approval from IHO.
- Provider working for one participant works more than a 70-hours and 45 minutes a workweek without prior authorization from IHO;
- Provider working for more than one participant works more than a 66-hour workweek without prior authorization from IHO;
- Provider claims more than 7 hours of travel time in a workweek.

Who do I contact if I have a question?

- For WPCS overtime and payroll questions, call (916) 552-9214.
- To find a participant's assigned IHO Nurse, request adjustment to your weekly schedule, or ask questions on services or authorized hours, call (916) 552-9105.