



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

ALL-COUNTY INFORMATION NO. X-XX-XX

TO: ALL COUNTY WELFARE DIRECTORS
ALL IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM MANAGERS

SUBJECT: DELEGATION OF COUNTY RESPONSIBILITIES REGARDING WORKWEEK AND TRAVEL TIME VIOLATIONS TO PUBLIC AUTHORITIES

REFERENCE: ACL NO. 16-01 (JANUARY 7, 2016); ACL NO. 16-36 (APRIL 21, 2016); ACL NO. 16-44 (MAY 10, 2016); ACL NO. 16-46 (MAY 16, 2016)

The purpose of this All-County Information Notice is to provide clarification regarding the responsibilities of county agencies to administer In-Home Supportive Services (IHSS) provider violations for exceeding the workweek and/or travel time limitations set forth in All-County Letter (ACL) 16-01 and ACL 16-36. Additionally, this notice provides guidance for counties to work with the Public Authorities (PA) to allow the PA staff to perform some of the tasks associated with violations that are related to their work with IHSS providers.

In those previous ACLs, the CDSS discussed county responsibilities related to violations to ensure the county offices were properly interacting with recipients to assist in educating the recipients on the proper procedures for requesting exceptions in order to avoid violations. In addition, the county IHSS offices are responsible for a variety of tasks related to the violations process, including, but not limited to:

- reviewing violations, as appropriate, before the issuance to determine if the violation is warranted;
- ensuring county workers are available to assist IHSS recipients in determining when it is necessary to request an exception from the county IHSS office to allow them to make an adjustment to their provider(s)'s weekly work schedule;

- issuing notices to both providers and recipients informing them of any violation and the penalties (if any) related to that violation;
- conducting reviews of the violations during the provider dispute process; and
- entering information into the Case Management, Information, and Payrolling System (CMIPS) related to the county violation review process as set forth in ACL 16-44 (May 10, 2016) and ACL 16-46 (May 16, 2016) .

In essence, any activity in which the IHSS recipient must be contacted by the county to make a determination as to the legitimacy of an IHSS provider violation must be the sole responsibility of the county IHSS office.

The counties may share responsibilities with the PAs regarding outreach and education to providers on issues related to violations and the process of disputing violations. Similarly, if the county has delegated payroll responsibilities to the PA, the PA would be in the appropriate position to assist the county in reviewing timesheets to determine any timesheet errors which may have led to a violation being assessed unnecessarily. Such an activity relates to provider education and, as such, is consistent with other activities under the purview of the PAs.

Any county IHSS office which has delegated any responsibility to the PA which is not related to provider outreach and education should work with the PA office to conduct a smooth transition of those responsibilities back to the county IHSS office as soon as administratively feasible.

Questions and/or requests for clarification on the information transmitted in this ACIN may be directed to the Adult Programs Division, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

DEBBI THOMSON
Deputy Director
Adult Programs Division

Attachments

c: CWDA