

**WAIVER PERSONAL CARE SERVICES
(WPCS) OVERTIME**

**PROVIDER FREQUENTLY ASKED
QUESTIONS (FAQs)**

When does WPCS overtime go into effect?

Overtime for WPCS and In-Home Supportive Services (IHSS) will go into effect February 1, 2016.

Is there a grace period?

Yes. There will be a three month grace period. During this time, a provider will be paid for all overtime hours he/she works. On May 1, 2016, the Department of Health Care Services (DHCS) or the county social worker will start to send notices to providers who do not follow the new law. The rule about hours worked has not changed. Providers must not work more than a 12-hour work day or 70-hours and 45 minutes workweek.

What is considered overtime?

Overtime is considered any time worked over 40 hours in a 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 normal county IHSS or WPCS pay rate.

How many hours can I claim in a workweek?

You must not work more than a 70-hours and 45-minutes workweek of combined IHSS and WPCS services, even if you care for other waiver participants. You must plan the times for each workweek. The service times should not go over the participant's allowed weekly and monthly hours. And the number of all hours you work must not go over the 70-hours and 45 minutes workweek cap.

How do you calculate a participant's weekly authorized hours?

In order to know how many hours you are allowed each week, divide the participant's total monthly hours by 4. This is the number of hours the participant is allowed each workweek.

What is Travel Time?

Travel time is the time it takes for a WPCS provider to travel from the first place he/she provides services to the next place he/she provides services. A provider may get paid for travel time if they care for more than one person on the same day. Starting on February 1, 2016, WPCS providers may be able to get paid for travel time up to 7 hours per workweek.

How can I get paid for Travel Time?

You need to fill out the WPCS Provider Workweek and Travel Time Agreement Form, and then send it to IHO state staff. After IHO gets this form, IHO state staff will mail a Travel Claim Form to the provider. These are not the same forms as the normal timesheets.

Can I work more than a participant's maximum weekly authorized hours?

Yes. But the participant may need to ask his/her IHO Nurse to approve a change to his/her weekly hours. The participant must have the IHO Nurse approve the change, if it means you will work:

- More hours in the month than your total monthly allowed service hours, or
- More than 40 hours in a workweek.

If a participant authorizes a provider to work more hours in a workweek, the participant must have the provider work fewer hours in the other week(s) of the month. That way you do not work more than your total monthly authorized service hours.

If a participant has only one provider, the participant can authorize his/her provider to work more than his/her weekly allowed hours. The participant does not have to ask IHO Nurse to approve it, as long as:

- Participants do not have any other providers working for them;
- Provider does not work for any other participants; and
- Provider changes his/her weekly work times to work fewer hours for the participant the other week(s). This is to make sure you do not work more than the participant's monthly allowed hours. Also you cannot work more overtime for your participant than you would in a normal month.

What if a participant needs a provider to work over the 70-hours and 45 minutes workweek?

There are opportunities for provider exemptions to allow work up to a maximum of 12-hour work days or 360 hours per month of WPCS and IHSS combined. The WPCS provider must meet one of the three following criteria below as of January 31, 2016:

- The WPCS provider is a family member or non-family member and resides in the same house as the WPCS participant; or
- The WPCS provider has an active and established working relationship for two or more years with the WPCS participant; or
- There are no other available providers in the area after working closely with the WPCS participant's IHO Nurse to secure additional providers.

How can a participant or their provider request an exemption?

The provider needs to request a Workweek Exemption for WPCS Care Providers form from their IHO Nurse. A Workweek Exemption form will be mailed to the provider. The provider needs to complete the form and return it to IHO. IHO will mail a notice to the participant and provider to let them know if IHO approved the exemption.

Can a Waiver participant enrolled in the waiver after January 31, 2016 receive an exemption for the 70-hours and 45 minutes workweek requirement for one of their care providers?

IHO is considering an exemption for care providers to waiver participants enrolled in the 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.

What happens if I claim more than my authorized weekly hours without an approval?

Starting on May 1, 2016, you will get a violation if your timesheet has more hours than allowed. This includes allowed work week hours or travel time hours. The participant must ask IHO to approve changes before you work more hours. Below are reasons you will get a violation.

- The provider is only allowed to work less than 40 hours in a work week. He/she works more than 40 hours without approval from IHO. The participant must ask IHO to approve the change. Then the provider can work more than 40 hours in a work week;
- The provider can only work the participant's allowed weekly service hours. He/she works more hours in a work week without approval from IHO. This

causes the provider to work more overtime hours in a month than normal. The participant must ask IHO to approve the extra hours. Then the provider can work more hours in the month;

- Provider works more than a 70-hours and 45 minutes a workweek without prior authorization from IHO;
- Provider claims more than 7 hours of travel time in a workweek.

What are the violations?

First violation	The participant and the provider will get a notice of violation. It will tell you about your dispute rights.
Second Violation	The participant and the provider will get a notice of violation. It will tell you about your dispute rights. The provider has to complete a work week and travel time training. He/she may take the training within 14 calendar days of the notice to remove the second violation.
Third Violation	The participant and the provider will get a notice of violation. It will tell you about your appeal rights. The provider will be banned as a provider for three months.
Fourth Violation	The participant and the provider will get a notice of violation. It will tell you about your appeal rights. The provider will be banned as a provider for one year.

Who do I contact if I have a question?

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