

**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) started on February 1, 2016.

Is there a grace period?

Yes. There is a three month grace period. During this time, you will be paid for all overtime that you work. On May 1, 2016, the Department of Health Care Services (DHCS) or the county social worker (depending on the program) will start to send notices to providers who do not follow the new law.

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 regular county pay rate.

How many hours can I claim in a workweek?

You and your participant must plan the times you work 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 workweek cap.

Single provider working for only one participant: If you work for one participant only, the maximum hours you may work in a workweek is the participant's 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.

Single provider working for multiple participants: If you work for more than one participant, the maximum number of hours you may claim in a workweek for all of the time you work for all participants combined, is 66 hours.

Multiple providers: If there are multiple providers providing services to a participant, the participant may divide their maximum weekly hours amongst the providers as long as the total hours of all providers combined in a workweek do not exceed the participant's maximum weekly hours.

How do you calculate a participant's weekly allowed 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. However, the participant's 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 I work more than a participant's maximum weekly allowed hours?**"

What is Travel Time?

If you work for more than one participant for either WPCS or IHSS, you will be paid up to 7 hours per workweek when traveling directly from providing services to one participant to providing services to another participant on the same day. You may not exceed a total of 7 hours of travel time per workweek.

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 participant or back home after your work is completed. Your 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 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 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), you will be mailed a Travel Claim Form along with your next timesheet. To claim travel time, you will need to correctly submit a Travel Claim Form along with your corresponding timesheet to the Timesheet Processing Facility. Travel Claim Forms will not be processed until a corresponding timesheet with the same service dates has been processed.

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

On occasion, it may be necessary for you to work more than your participant's maximum weekly allowed hours. You may do so without the participant requesting approval from their IHO Nurse, if the hours worked:

- Do not result in you working more than 12 hours in a day;

- Do not result in you working more than 40 hours in a workweek when you are authorized 40 hours or less in a workweek; or Do not result in you receiving more overtime hours than you normally work in a calendar month;
- And does not result in you working more than the maximum weekly limit of 66 hours if you work for other participants.

How do I ask IHO to approve an exception for my allowed weekly hours when needed?

If your participant needs you to work more than the authorized maximum weekly hours and the hours you work do not meet all of the criteria mentioned previously, your participant must contact their IHO Nurse to obtain an exception to allow you to work the additional overtime hours. Your participant must inform their 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 participant's health or safety in danger?

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

What if the only participant I work for needs me to work over the 283 hours per 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, you must meet at least one of the three following criteria below on or before January 31, 2016:

- You reside in the same house as your participant; or
- You have an active and established working relationship for two or more years with your participant; or
- There are no other available providers in the area after working closely with the participant's IHO Nurse to secure additional providers.

How can a participant or their provider request an exemption?

You must request a Workweek Exemption for WPCS Care Providers form from the participant's IHO Nurse. A Workweek Exemption form will be mailed to the provider. The provider needs to complete the form and return it to the IHO address located on the form. IHO will mail a notice to you and the participant to let them know if IHO approved the exemption.

Can a NF/AH or IHO Waiver participant enrolled in the waiver after January 31, 2016 receive an exemption for the 283 hours per month limit for one or more providers?

IHO is considering an exemption for care providers to 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 the participant enrolled in either the NF/AH or IHO waiver after January 31, 2016, please talk to the participant's IHO Nurse if you think you and your participant need this exemption.

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

It is important for you and your participant to follow all WPCS and IHSS program and timesheet limitations so you do not work and claim excess hours. If you fail to comply with the limitations, you will get a violation.

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 or soon after, but prior to timesheet submission.

Below are reasons you will get a violation.

- If you are only allowed to work less than 40 hours in a work week and you work more than 40 hours without approval from IHO;
- You work more overtime hours in a month than normal without approval from IHO;
- You work for one participant and you work more than a 70-hour and 45-minute workweek without prior authorization from IHO;
- You work for more than one participant and you work more than a 66-hour workweek without prior authorization from IHO;
- You claim 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 participant's assigned Nurse Evaluator, request adjustment to your weekly schedule, or ask questions on services or authorized hours, call (916) 552-9105.