Frequently Asked Questions (FAQs):

Will IHSS providers (home care workers) receive overtime, wait time, and travel time pay in 2016?
Yes, the State of California is developing its plans to ensure IHSS providers (home care workers) will receive overtime, wait time, and travel time pay beginning on February 1, 2016.

Will I have to fill out new and different set of timesheets?
Yes, IHSS providers will receive new and different timesheets so overtime, wait time, and travel time will be documented and paid for. Providers should make sure to attend a training offered by SEIU Local 2015 to make sure they understand how to fill out these new and different timesheets correctly.

How can I find out about training sessions for the State of California's new timesheets?
Please sign up for timesheets trainings today, and you will receive phone and email notifications of in-person training and information sessions in your area:

http://action.seiu2015.org/page/s/timesheetvideotraining

Who gets overtime?
IHSS providers (home care workers) who work over 40 hours a week will receive overtime pay for the hours above 40 in a work week, but there will be some limits on how many hours a provider can work in a week.

How much is overtime?
Overtime pay is time-and-a-half (x1.5 your hourly rate).

Is there flexibility with the hours worked in a week?
Yes, there is flexibility in the number of hours you can work in a week. For example, if your consumer needs extra care one week due to their health, those hours may be worked based on the direction of your consumer. You will still be held to the total monthly hours your consumer is given. If you have only one recipient, then any hours that would result in working overtime hours, or additional overtime hours, that you would normally not work, will need approval from a social worker. Approval by a social worker may be given retroactively.

What is the maximum weekly hours a provider can work if he/she only works for one consumer?
If a provider has one consumer, then the consumer's total monthly assessed hours should first be divided by four to give the approximate maximum weekly hours. As explained, however, the consumer can direct care as needed and move hours from one week to another. The only limitation is that if the provider is going to work more overtime hours than they "normally" would, the consumer must request approval from a county social worker. The number of hours the provider would "normally" work in a month (in other words, the maximum number of overtime hours the provider can work in a month without approval from the county social worker), is determined by dividing the consumer's monthly assessed hours by four for the "maximum" weekly hours. If the weekly hours are under 40, then the provider can never work overtime without approval from the social worker, but if the weekly hours are over 40, then you must multiply the number of hours above 40 by 4, and that will provide the maximum number of overtime hours the provider can work in a month without county approval.

For example: A consumer has 240 monthly assessed hours. Divide by 4 (240 ÷ 4 = 60). 60 hours is 20 over 40. So 20 hours times 4 = 80 hours, so that provider may work up to 80 hours over overtime during each month without requesting approval from the county. This could mean working 20 hours of overtime each week, but it could also mean working 40 hours of overtime one week, 0 hours of overtime the next. The hours may be shifted week to week so long as the overtime amount does not exceed the monthly allotted overtime hours (in this example, it's 80 hours of overtime in one month).
What is the maximum weekly hours a provider can work if he/she works for more than one consumer?
The general rule for providers who work for more than one consumer is that they cannot work more than 66 hours in any one week, which is Sunday through Saturday. If one of the consumers needs additional hours in a particular week, and it would result in the provider working a total of over 66 hours (for all consumers), then the consumer who needs additional hours will have to request approval from the county social worker or else find another provider for the additional hours. There are situations in which your consumers may have hours totaling more than 283. Those situations will be addressed on a case-by-case basis with a social worker.

What if I have more than 283 hours because of the multiple consumers I care for?
If you work over 283 hours and have more than one recipient, you will be contacted by a county social worker within the first three months of the implementation to help manage your hours. SEIU Local 2015 is working with other provider and consumer advocacy groups, and with the State Department of Social Services, to agree on a path, that will allow for an exemption process from the weekly work week limits for current consumers who may suffer an interruption in their continuity of care. Once an approach is agreed upon, we will be working to pass legislation through the California Legislature to make the accommodations for people affected negatively by the hours cap, and will continue to provide updates as the solution is taking shape.

What is "travel time"?
If you care for more than one consumer and they live in different locations, you will now be paid for the time it takes you to travel directly from consumer 1 to consumer 2. You may be paid for up to 7 hours max per week. You can only account for the time it takes you to get directly from one consumer to the other. Travel time does not include travel from your home to your client's home - or from their home to yours.

What is "wait time"?
If you accompany your consumer to a doctor's appointment and you are required to wait for them, you will now be paid for that time. Wait time hours
will be assessed as part of your consumer's next needs assessment and will be based on the average number of doctors' visits your consumer has per month.

**Are IHSS providers entitled to retroactive pay for the overtime hours worked in 2015?**

Because the new overtime rules became effective in October of 2015, SEIU Local 2015 is working with the State to address the common question and concern raised by caregivers about retroactive pay. The State of California has indicated that it is working to determine a path for providing back pay covering the overtime, wait time, and travel time monies they earned between November 1, 2015 and January 31, 2016. We suggest that providers start today to keep a daily log of your hours worked - including overtime, wait time, and travel time hours, in addition to keeping a copy of each timesheet submitted at the beginning and middle of each month.

**Who should I contact if I still have questions?**

Please sign up for timesheets trainings today, and you will receive phone and email notifications of in-person training and information sessions in your area:


You can also contact the Member Action Center at 1-855-810-2015 with any questions you may still have after having attended an in-person training and information session.

If UDW wishes to share information regarding the upcoming changes surrounding those connected with the FLSA regulations and other changes please share with me at [info@cicaihss.org](mailto:info@cicaihss.org) and they will be shared.

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