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Statement regarding federal regulations that require the payment of overtime wages for certain home care workers

Due to recent court action, California is moving ahead to meet federal regulations that require the payment of overtime wages for certain home care workers who work more than forty hours in a workweek. These workers in California include providers of In-Home Supportive Services (IHSS), waiver personal care services, and certain assistive services for developmentally disabled individuals. State law provides mechanisms for payments and establishes caps on the number of hours that a provider may work within a given workweek.

Following consultation with consumer advocates and unions representing providers, the Administration is moving forward on a variety of activities that together will enable the payment of overtime wages in biweekly payrolls beginning on February 1, 2016. These activities include:

- Updating the timesheets used in these programs to enable the capture of hours worked in excess of forty hours per workweek,
- Training the State's nearly 400,000 service providers and 500,000 home care services recipients in how to fill out and approve the new timesheets,
- Implementing workweek agreements for providers serving multiple consumers,
- Preparing county staff to assist with workweek agreements and resolve timesheet errors,
- Finalizing changes to the automated case management and payroll system to enable overtime payments, and
- Adding a new IHSS service category for accompaniment to medical appointments, and enabling payment for travel incurred while serving multiple recipients on the same day.

In addition to the activities above, recipients and providers will be notified of associated program changes in advance of the February 1 date, to allow time for them to identify additional service providers if necessary. As many providers serve and are paid in more than one program under the home care service system, all programs will commence regular payment of overtime and travel on February 1, 2016.

The State is committed to moving forward expeditiously on these activities, in a manner that is safe for consumers, fair to providers, and minimizes disruption to the paychecks upon which so many Californians depend.