

IHSS Overtime and FLSA Changes

July and August 2014 Stakeholder Workgroup Meetings

CDSS is convening three stakeholder meetings in July and August 2014. The purpose of the meetings is to solicit stakeholder input and continue the discussion of issues related to the new Federal FLSA regulations and the overtime provisions in SB 855.

Dates and Times

- July 28, 2014 - Overview Discussion - 1:00 p.m. to 3:00 p.m.
 - [Agenda](#), pdf
 - [Implementation Schedule](#), pdf
 - [SB 855](#), pdf
 - [DOL Fact Sheets Background](#), pdf
 - [Presentation](#), pdf
- July 29, 2014 - New Timesheet and Systems Discussion - 1:00 p.m. to 3:00 p.m.
 - [Agenda](#), pdf
 - [Presentation](#), pdf
 - Timesheet Samples: [Sample 1](#), [Sample 2](#)
- August 15, 2014 - Policy and Operational Issues Discussion - 1:00 p.m. to 3:00 p.m.

Call-In Option

- July 28, 2014 - Operator-Assisted Call-In Number: (800) 288-8975
- July 29, 2014 - Operator-Assisted Call-In Number: (800) 288-9626

In-Person Option

All three of these meetings will be held at: CDSS Auditorium, 744 P Street in Sacramento, OB 9, 2nd Floor, Room 205

Please allot time for check-in at the front desk. Plan to arrive early, as parking in the area can be challenging.

Disability-Related Accommodations:

If disability-related accommodations are required for your attendance, or you need materials in alternate formats, please contact Shelly Johnson at (916) 653-5403 or Shelly.Johnson@dss.ca.gov at least 72 hours prior to the meeting date.

June 2014 Focus Groups

In June 2014, CDSS held IHSS Timesheet Focus Groups in Sacramento, Redding, San Francisco, Hanford (near Fresno), Los Angeles, and Santa Clara. A newsletter is available, highlighting these focus group efforts.

- [IHSS Timesheet Focus Group Newsletter](#), pdf

Background

In September 2013, the US Department of Labor released final regulations requiring minimum wage and overtime pay for domestic workers. The Final Rule extends the protections of the Fair Labor Standards Act (FLSA) to these workers by removing the ability of “third party” agencies to claim an exemption for personal care workers from minimum wage and overtime pay as providers of “companionship services” or as live-in providers. Consequently, the federal regulations for minimum wage and overtime apply to IHSS providers. Additionally, FLSA rules that require compensation for commuting between multiple recipients and for “wait time” associated with medical accompaniment also apply to IHSS providers.

Recently, the Department of Labor released a revised “Fact Sheet #79F: Paid Family or Household Members in Certain Medicaid-Funded and Certain Other Publicly Funded Programs Offering Home Care Services Under the Fair Labor Standards Act (FLSA)” and updated the Domestic Service Final Rule Frequently Asked Questions (FAQ) site.

- [Fact Sheet #79F: Paid Family or Household Members in Certain Medicaid-Funded and Certain Other Publicly Funded Programs Offering Home Care Services Under the Fair Labor Standards Act \(FLSA\)](#), pdf

PREVIOUS MEETINGS

May 6, 2014 Meeting

CDSS convened a third Stakeholder meeting on Tuesday, May 6, 2014, from 1:00 p.m. to 3:00 p.m. in the CDSS Auditorium. The purpose of the meeting was to continue the discussion of issues related to the new Federal FLSA regulations and the Administration’s proposal to restrict IHSS provider work hours.

- **Meeting Materials:**
 - [Agenda](#), pdf
 - [Provider Workweek and Travel Time Agreement](#), pdf
 - [Recipient Designation of Provider and Workweek Agreement \(SOC 426A\)](#), pdf
 - Timesheets:
 - [Existing Timesheet](#), pdf
 - [Example I](#), pdf
 - [Example II](#), pdf
 - [Example III](#), pdf

March 21, 2014 Meeting

CDSS convened a second Stakeholder meeting on Friday, March 21, 2014, from 1:00 p.m. to 3:00 p.m. at the CDSS Auditorium, to discuss assumptions related to the FLSA "wait time" and commute provisions. This meeting was designed to promote a dialogue on how California will implement these new compensable activities.

- [Agenda](#), pdf
- [Fact Sheet: Travel Time](#), pdf
- [Fact Sheet: Accompaniment to Medical Appointments](#), pdf
- [Applicable Regulations](#), pdf

March 3, 2014 Meeting

CDSS convened a Stakeholder meeting on Monday, March 3, 2014, from 1:00 p.m. to 3:00 p.m. at the CDSS Auditorium, to discuss concepts, options and issues related to the new Federal FLSA Regulations that include overtime changes. This meeting was designed to promote a dialogue on how California will implement these changes in the context of the Administration's proposal to limit overtime for IHSS providers to 40 hours per week.

- [Agenda](#), pdf
- [Fact Sheet: New IHSS Workweek Agreement and Statewide Provider Back-Up System](#), pdf
- U.S. Department of Labor Fact Sheets
 - [Application of the Fair Labor Standards Act to Domestic Service, Final Rule](#), pdf
 - [79A: Companionship Services Under the Fair Labor Standards Act \(FLSA\)](#), pdf
 - [79B: Live-in Domestic Service Workers Under the Fair Labor Standards Act \(FLSA\)](#), pdf
 - [79D: Hours Worked Applicable to Domestic Service Employment Under the Fair Labor Standards Act \(FLSA\)](#), pdf
 - [79E: Joint Employment in Domestic Service Employment Under the Fair Labor Standards Act \(FLSA\)](#), pdf