



March 26, 2016

Public Authorities  
IHSS Advisory Boards/Committees

During California In-Home Supportive Services Consumer Alliance (CICA) monthly February's State-wide Call, many concerns were expressed about the Fair Labor Standards Act (FLSA) changes in over-time, Wait-Time, Travel Pay, how counties are handling the added requirements for forms and questions consumers may have?

A few of the questions asked were:

- Are consumers calling with difficulties because their provider works for another consumer and is therefore running into weekly hour caps?
- Are they actually calling consumers/providers during the grace period about violations?
- What system does the county have in place for processing requests for increased (shifting) weekly hours, be it regular or overtime due to unforeseen circumstances?

CICAs sub-committee came up with 19 questions with a few having sub-questions under them. These can be found attached to this letter.

It is hoped Public Authorities review these questions and share with your individual Advisory Boards/Committees for their use. If possible it is hoped the Advisory Boards/Committees answer questions pertaining to their county and return their responses to CICA, [info@cicaihss.org](mailto:info@cicaihss.org), by May 27, 2016.

Thank you for our support and assistance!

*Charles Bean*

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## LIST OF QUESTIONS FOR IHSS ADVISORY COMMITTEES TO ASK AT THEIR MEETINGS (re FLSA changes)

1. How many have not returned their updated paperwork that should be completed? How are those who have not turned in paperwork being contacted?  
2,694 Recipients have not returned the OT/Workweek declaration  
2,555 Recipients have not returned the workweek agreement  
434 Providers have not returned the Provider enrollment agreement
2. What system does the county have in place for processing requests for increased (shifting) weekly hours, be it regular or overtime due to unforeseen circumstances? Call IHSS and a Service Aid will assist them.
  - a. What's their mechanism?
  - b. Are they going to have to call their social worker? No
3. What criteria is the county using to grant exceptions for weekly hour allowances?
  - a. Has extra staff been hired for this? Yes
  - b. Is there a set turn-around time (deadline) for these requests to be processed and the permission or denial issued? within ten calendar days
  - c. Is there a time limit on requests made after the fact? Yes, before the next timecard.
  - d. What are the criteria around moving hours (loading) during certain weeks for instance just before or just after a hospital visit? No more than 70%
4. Does the county have dedicated workers that are trained to help consumers with scheduling and FLSA exceptions (It has been noticed that state trainings do not seem to cover how to process the more complex scenarios.)?
  - a. Is there a dedicated number consumers should call? If so, how is this number shared? No dedicated number, Call main number speak to trained staff
5. Has the county seen an increased use of the registry since FLSA implementation due to consumers being forced to hire extra providers?
  - a. Is this increased use by the consumer or providers looking for employment?
6. Are consumers calling with difficulties because their provider works for another consumer and is therefore running into weekly hour caps? No
  - a. When this happens, which consumer should have to hire an extra provider (how is this determined)? NA

7. Where can consumers go to ask for help in calculating their provider's hours under FLSA rules? **Call IHSS, speak to trained staff**
8. Are they actually calling consumers/providers during the grace period about violations? **Yes**
9. What kind of calls are coming in with FLSA timecard questions? **Various**
10. Are counties documenting unmet needs (as impacted by increased hours like wait-time)? **NA**
  - a. If so, what are the percentages for consumers with unmet needs?
11. What training have the IHSS Social Workers received on the FLSA? Do they feel competent to answer questions from consumers and providers on the FLSA? **They were trained with the available resources provided by the State.**
12. What training/information have consumers and providers received regarding the FLSA? **We held FLSA training in March**
13. Did any PA workers receive training/information on the FLSA so they could give out correct information if necessary? **Yes**
14. What procedures/staff does the IHSS department have in place to answer questions and deal with issues regarding the FLSA? **They were trained**
15. How many consumer and providers are there in the County that might be affected by the FLSA? **609 Consumers hours > 160 per month  
784 Providers have multiple consumers (travel)**
16. Does the PA Registry have enough available providers to fill positions created by the FLSA? **Probably, can always use more.**
17. What has your local Union representing providers been doing to educate their members on the FLSA? **The Union scheduled FLSA trainings, but cancelled some due to lack of participation**
18. How many timecards have been returned for errors in calculating hours to comply with the FLSA? **None yet**
19. When errors occur how have the IHSS staff/social workers been dealing with them? **We sent friendly warning letters**