



IHSS FAIR-LABOR STANDARDS ACT (FLSA) QUICK SUMMARY

Effective 02/01/2016, IHSS Providers can be paid for Overtime, Travel Time, and/or Wait Time under certain circumstances only.



Orange County's FLSA Toll-Free Phone Number: 1-844-825-3002

OVERTIME (OT)

- Any hours > 40 hours per week, including Travel Time hours;
- CMIPSIII accumulates ALL weekly hours (Sunday – Saturday), regardless if workweek crosses from one pay period or from one month to another and will pay at the OT rate for any hours worked over the 40 hours/week

TRAVEL TIME

- Only for Providers working for multiple Recipients and travel directly from one Recipient to another Recipient's home *on same workday* by car, bus, or any form of transportation;
- Limited to 7 hours per week;
- Must submit SOC2255 Form and Travel Claim Form;
- Payment for Travel time is separate from regular payment.

MAXIMUM WORKWEEK HOURS: http://ssa.ocgov.com/elder/ihss/flsa	
PROVIDER working for ONE (1) RECIPIENT:	= Recipient's Monthly Hours ÷ 4 and can work up to 70:45 hours/week IF Recipient has 283 hours per month.
PROVIDER working for MORE THAN ONE (1) RECIPIENT:	= Total combined hours MUST be 66 hours or less per week (unless Provider is approved for an Exemption as explained below).
Exemption #1: PARENT PROVIDER or GRANDPARENT PROVIDER working for > 1 RECIPIENT: Provider MUST meet ALL 3 conditions BY 1/31/2016: <ol style="list-style-type: none"> Work for > 1 recipients; & Live with ALL Recipients with whom Provider works for; & Be related to Recipients as his/her parent, stepparent, adoptive parent, legal guardian, conservator, or grandparent. 	= PROVIDER MUST BE WORKING FOR MORE THAN ONE RECIPIENT. IF approved, Provider may work UP TO 90 hours per week (or equivalent to 360 hours per month).
OR Exemption #2: EXTRAORDINARY CIRCUMSTANCE EXEMPTION: call us	✓ Please call our FLSA Call Center for more information on Exemption 2 or to request a FLSA Exemption.
PROVIDER working with IHSS & WPCS (IHO) Programs:	=Workweek hours' limitations are same as the above. To request WPCS Exemption, call (916) 552-9214.

What happens when Recipient needs Provider to work more hours in a week?

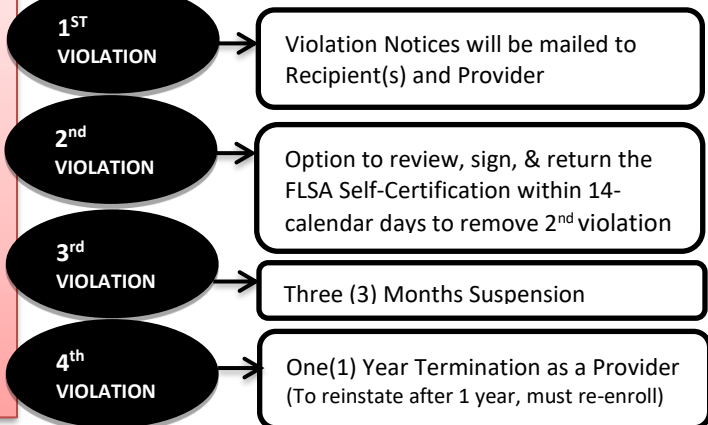
When is a "Flexible Hour" request required?
Ask RECIPIENT to CALL us for a Flexible Hour adjustment request:

- Only** when Recipient needs you (the Provider) to work additional hours which would result in Overtime hours to be paid for a week or more Overtime hours for a month *when you (the Provider) are usually not compensated for those Overtime hours.*
- Call **PRIOR TO** submitting your IHSS Timesheets.

When in doubt, call our FLSA Toll-Free Phone # **PRIOR TO** working additional hours & submitting the Timesheets to avoid a Violation.

HOW TO AVOID A FLSA VIOLATION?

- DON'T** work more hours in a week and causing the State to pay you OT hours when you usually do not receive OT hours or more OT hours in a month than you usually get *without approval*; *or*
- If you work for more than 1 Recipient, DON'T** work more than the combined 66 hours per week (unless you meet the Exemption criteria); *or*
- DON'T** claim more than 7 hours per week of Travel Time.



FLSA FORMS

- SOC846: required for ALL Providers
- SOC2255: *only* for Providers working for multiple Recipients (or to enroll for Travel Time if applicable)
- SOC2256: *only* for Recipients with multiple Providers
- SOC2271: Notification of maximum Monthly & Weekly Hours (mailed each time case hours or IHSS services change)
- SOC2279: *only* for Providers who meet Exemption #1 by 1/31/16
- TEMP3000: required for ALL Recipients, unless has new SOC426A

Keep track & work within your authorized Workweek and Monthly Hours to avoid getting a FLSA Violation.