



## In-Home Supportive Services (IHSS)



# Self-Certification Instructional Review Materials

## *Second Violation*

These voluntary self-certification instructional review materials offer you a one-time opportunity to remove your second violation for exceeding the workweek and/or travel time limitations, and will not be offered again in the future, *unless* your IHSS provider eligibility is suspended for one year and you complete the required re-enrollment process.

If you do not review the materials and submit your completed self-certification form to your county IHSS office within 14 calendar days from the date of your second violation notice, you will be sent a notice confirming your second violation along with the California Department of Social Services' (CDSS) Provider's Right to Dispute form which may be submitted to your county IHSS office if you disagree with the violation.

## A Second Violation

So, you got a second violation for exceeding workweek and/or travel time limitations? Let's review the workweek and travel time limits to help prevent you from incurring future violations. If you were an active provider before February 1, 2016, you were mailed and instructed to complete and submit the updated IHSS Program Provider Enrollment Agreement (SOC 846). If you became a provider after February 1, 2016, you completed the updated SOC 846 during the mandatory IHSS Provider Orientation. Completion of the updated SOC 846 confirmed your understanding of the workweek and travel time limitations required by California law. Not following the workweek and travel time limitations will result in violations which may include suspension of your eligibility to be an IHSS provider for up to one year.

You received this second violation due to one or more of the following actions:

- You worked more than 40 hours in a workweek for a recipient without your recipient getting approval from the county when that recipient is authorized 40 hours or less in a workweek;
- You worked more hours for your recipient than he/she is authorized in a workweek without your recipient getting approval from the county, and this caused you to work more overtime hours in the month than you normally would;
- You work for more than one recipient and you worked more than 66 hours in a workweek; or
- Your claimed travel time was more than seven hours in a workweek.

Whenever you receive a violation, you have 10 calendar days from the date of the violation notice to complete and submit the CDSS Provider's Right to Dispute form to your county IHSS office. Once the county receives the form, it has 10 business days to review the violation and send you a notice stating the outcome of the review.

**REMINDER:** If you get more than one violation in a single month, it will only count as one violation. Once you have received a violation, it will remain on your record. However, after one year, if you do not receive another violation, the number of violations you have received will be reduced by one. As long as you do not receive any additional violations,

each year after the last violation, your number of violations will be reduced by one.

**CAUTION:** If you receive a third violation, your IHSS provider eligibility will be suspended for 90 days. If you receive a fourth violation, your IHSS provider eligibility will be suspended for one year. When your one-year IHSS provider ineligibility period ends, you will have to complete all of the provider enrollment requirements again, including the criminal background check, provider orientation, and all required forms, before you may resume providing IHSS services.

If you disagree with the county's determination to uphold the third or fourth violation, you may request a State review of the violation by the CDSS Adult Programs Division's Appeals Unit. The third and fourth violation notices will explain how you may request the state review.

## **Workweek Limitations**

Remember, the IHSS workweek begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday. It is important that you understand the IHSS workweek so that you and your IHSS recipient(s) may better track how many authorized hours are planned, how many were actually worked, and whether you are eligible for overtime compensation.

The maximum weekly hours are the number of service hours you may work for your recipient(s) per workweek. The maximum weekly hours are a guideline to help make you aware of how many hours you can work **up to** in a workweek so your recipient(s) can budget his/her authorized service hours in the month to ensure all authorized service hours are received.

Your recipient may be able to adjust his/her maximum weekly hours, without requesting approval from the county, under the following conditions:

<b>Adjusting Maximum Weekly Hours</b>	
<b>If you work...</b>	<b>Is County Approval Needed?</b>
40 hours or less	<p><b>Yes</b>, if you work more than the 40 hours for your recipient in a workweek if his/her maximum weekly hours are 40 hours or less in a workweek.</p> <p><b>No</b>, if you <i>do not</i> work more than 40 hours for your recipient in a workweek if his/her maximum weekly hours are 40 hours or less in a workweek.</p>
<b>OR</b>	
Over 40 hours	<p><b>Yes</b>, if you work more overtime hours than you normally work in a calendar month.</p> <p><b>No</b>, if you <i>do not</i> work more overtime hours than you normally work in a calendar month.</p> <p><i>Note: If you are the only provider working for one recipient who does not have any other providers, your recipient can ask you to work more than his/her maximum weekly hours, but you must work fewer hours in another week(s) of the month to stay within the recipient's authorized monthly hours.</i></p>
<b>AND</b>	
For multiple recipients	<p>You may <b>never</b> work more than the combined maximum weekly hours of 66.</p> <p><b>Caution:</b> If you work for more than one recipient, you should not accept additional hours if taking the additional hours will result in you going over your combined maximum weekly hours of 66.</p>

## Travel Time Limitations

If you work for more than one recipient at different locations on the same day, you are eligible to be paid for traveling directly between the two recipients, regardless of your method of travel (i.e., driving a car, taking public transit, walking, riding a bicycle). The maximum amount of travel time providers are allowed to claim during a workweek is 7 hours.

Keep in mind that travel time does not include the time it takes you to travel from your own home to the location where you provide services for a recipient or back home after your work is completed. Your time spent traveling between recipients' locations does not count toward your maximum weekly hours of 66 or your recipients' maximum weekly hours and is not deducted from any recipient's monthly authorized hours.

### IMPORTANT TIPS:

- ✓ If your travel time is going to be more than 7 hours per workweek, you will have to rearrange your work schedule with your recipients to make sure your claimed travel time is no more than 7 hours per workweek. Please contact your county IHSS office if you need assistance in rearranging your work schedule.
- ✓ If you submit a travel claim form with more than 7 hours in a workweek, you will get paid for the travel time claimed *but you will* get a violation.

## IN-HOME SUPPORTIVE SERVICES (IHSS) PROGRAM CERTIFICATION FOR INSTRUCTIONAL MATERIAL REVIEW

PROVIDER NAME (FIRST, MIDDLE, LAST)	IHSS PROVIDER NUMBER
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I reviewed the instructional materials provided to me that related to the workweek and travel time limitations for IHSS providers and I understand the following:

- If I work only for a single recipient, I am restricted to working the recipient's maximum weekly hours.
- If I work for multiple recipients, I am restricted to working 66 hours per workweek divided among all of the recipients I work for. If I currently work the maximum of 66 hours and one of my recipients requests me to work additional hours, I cannot work those additional hours unless I make arrangements with my other recipient(s) to reduce hours for him/her during that week.
- If I work for multiple recipients on the same day and I travel directly from one of their homes to another, I cannot claim more than seven (7) hours of travel time per week.
- If my recipient requests that I work more hours during a workweek than I am scheduled to work and my recipient's maximum weekly hours are 40 hours or less and those additional hours cause me to work more than 40 hours in that workweek, my recipient is responsible for contacting the county IHSS office or Public Authority to get approval for those additional hours.
- If my recipient requests that I work more hours during a workweek than I am scheduled to work and those additional hours cause me to work more overtime during that workweek than I normally would, my recipient is responsible for contacting the county IHSS office or Public Authority to get approval for those additional hours.
- If I do work additional hours during one week, then I must reduce my work hours in another week later within the same month to make sure I do not work more than my recipient's monthly authorized hours.

By reviewing and signing this certification form and submitting it to the county IHSS office or Public Authority, I understand:

- The second violation I received will be removed from my record.
- This instructional material review is a one-time option to remove my second violation. If I receive another violation later, I will not be given the opportunity to review the instructional materials again.
- If I receive further violations, I could be found ineligible to work and be paid as an IHSS provider through the IHSS Program.

**By signing this certification form I am accepting the responsibility to follow the information provided by the county in the instructional materials provided. I understand that failure to follow the workweek and travel time limitations may result in my ineligibility to work as an IHSS provider.**

\_\_\_\_\_  
IHSS Provider's Signature

\_\_\_\_\_  
Date

***PLEASE REMOVE THIS NOTIFICATION FROM THE INSTRUCTION MATERIALS PACKET AND MAIL TO THE IHSS OFFICE AT:***

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