



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

December 31, 2014

ALL COUNTY LETTER NO. 14-102

TO: ALL COUNTY WELFARE DIRECTORS
IN-HOME SUPPORTIVE SERVICES PROGRAM MANAGERS

SUBJECT: NEW PROGRAM RULES AND REQUIREMENTS FOR IHSS
PROVIDER ENROLLMENT ORIENTATION AND CLARIFICATION
OF PROVIDER ENROLLMENT IDENTIFICATION PROCESS
RELATED TO SOCIAL SECURITY NUMBERS

REFERENCE: SENATE BILL (SB) 878 (CHAPTER 689, STATUTES OF 2014);
ACL 09-52 (October 1, 2009); ACL 09-54 (October 28, 2009)

This All County Letter (ACL) provides direction to counties on the changes to the law regarding the IHSS provider enrollment orientation as a result of the enactment of SB 878 (Chapter 689, Statutes of 2014). Additionally, this ACL provides clarification of the provider enrollment application procedures which are being provided due to adoption of a new policy by the U.S. Social Security Administration (SSA).

BACKGROUND

Welfare and Institutions Code (WIC) section 12301.24, added by ABX4 19 (Chapter 17, Statutes of 2009), requires all prospective IHSS providers to attend a provider enrollment orientation, as detailed in ACL 09-54. SB 878, signed by the Governor on September 27, 2014, amends WIC section 12301.24 to add additional IHSS provider orientation requirements.

NEW REQUIREMENTS UNDER SB 878

SB 878 adds a provision to WIC section 12301.24(a) which will require the IHSS provider enrollment orientation to include training and materials detailing the applicable federal and state requirements regarding minimum wage and overtime pay, including paid travel time and wait time.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

Additionally, SB 878 adds WIC section 12301.24(e) which requires that, no later than April 1, 2015:

- The provider orientation shall be an onsite orientation that all prospective providers shall attend in person.
- Prospective providers may attend the onsite provider orientation only after completing and submitting the IHSS Provider Enrollment Form (SOC 426). Counties must ensure that all prospective providers complete and submit the SOC 426 before he/she may be allowed to attend the onsite provider orientation.
- All oral presentation and written materials presented at the provider orientation must be translated into the IHSS threshold languages specific to that county. The threshold languages are those spoken by a substantial number of non-English speakers in the county, determined to be five percent or greater, pursuant to Manual of Policies and Procedures (MPP) 21-104(s). For the IHSS program at the State level, those three languages are Armenian, Chinese, and Spanish. If the county has additional threshold languages for the IHSS population, the county must provide the translation of the oral presentation and written materials.
- Representatives of the recognized employee organization in the county shall be permitted to make a presentation of up to thirty minutes at the provider orientation. Prior to April 1, 2015, counties shall provide to the recognized employee organizations at least the level of access to, and the ability to make presentations at, provider orientations that such organizations had as of September 1, 2014. Translation of any oral or written presentations by the recognized employee organization shall be the responsibility of that organization.

A county and its local labor organization may make a mutually acceptable arrangement to utilize web-based or other remote access tools for a portion or portions of the orientation, so long as the orientation is completed in-person and the other requirements of WIC 12301.24 are met. The arrangement between the county and the labor organization must be in place before the April 1, 2015, deadline, and a written copy of the arrangement must be sent to CDSS within 30 days of the arrangement being in place.

Prospective provider participation in the employee organization presentation is entirely voluntary. Prospective providers are not mandated to take part in the employee organization's presentation.

PROVIDER ENROLLMENT IDENTIFICATION PROCESS CLARIFICATION

WIC section 12305.81(a) requires all prospective providers in the IHSS program to submit original documentation verifying their identity at the time of submission of the

IHSS Program Provider Enrollment Form (SOC 426) and for the county IHSS office to photocopy the verification documentation to place in the prospective provider's file.

The acceptable identification documents are:

- 1) An original and unexpired document issued by a state or federal government agency containing a photograph and signature, such as:
 - A Driver's License or identification card issued by the California Department of Motor Vehicles (DMV)
 - A Driver's License or identification card issued by another state's DMV
 - An unexpired ID document issued by a state, federal, or federally-recognized American Indian Tribal government agency.
- 2) The prospective provider's social security card.

As stated in ACL 09-52, in order to verify the identity of the applicant provider, CDSS has allowed county staff to accept original official correspondence from the SSA verifying the prospective provider's social security number in situations in which the prospective provider has been unable to provide an original social security card. However, on August 1, 2014, the SSA implemented a new policy to no longer provide printouts containing social security numbers to employers or prospective employers for verification of the social security number.

The decision by the SSA to no longer provide printouts containing social security numbers will have no effect on current IHSS provider enrollment requirements. Counties are still required to verify a prospective provider's identity and social security number.

Prospective providers who do not have their original social security cards to present to the county for identity verification and photocopying must obtain a replacement card from the SSA in order for the county to verify their social security number. The county should instruct the prospective provider to contact the local SSA office to obtain this replacement card. The application to receive a replacement card and related instructions may be found on the SSA website (<https://faq.ssa.gov/ics/support/kbanswer.asp?QuestionID=3755>) or the prospective provider may receive an application from the local SSA office.

While the prospective provider is waiting for his/her replacement social security card to be processed and sent to him/her, he/she can begin the provider enrollment process by initiating his/her criminal background check process or attending the provider orientation.

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The SSA website does contain two on-line databases for electronic verification of social security numbers, but neither can be used for this purpose for prospective hires. The Social Security Number Verification Service (SSNVS) can only be used by employers to verify current or former employees and only for wage reporting purposes and cannot legally be used to verify the social security numbers of prospective hires, and the Consent Based Social Security Number Verification System (CBSV) cannot be used for the purposes of verifying an individual's identity.

Should you have any questions regarding this ACL, please contact the Adult Programs Policy and Quality Assurance Branch, Policy and Operations Bureau at (916) 651-5350.

Sincerely,

Original Document Signed by Hafida Habek, acting for:

EILEEN CARROLL
Deputy Director
Adult Programs Division

c: CWDA