

June 29, 2018

ALL COUNTY LETTER NO: 18-83

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

SUBJECT: UPDATE TO IMPLEMENTATION OF PROVISIONS OF SENATE  
BILL 3 RELATING TO PAID SICK LEAVE FOR IN-HOME  
SUPPORTIVE SERVICES PROVIDERS

REFERENCES: [SENATE BILL 3](#) (CHAPTER 4, STATUTES OF 2016); [ALL-COUNTY LETTER \(ACL\) 18-01](#) (January 9, 2018); [ALL-COUNTY INFORMATION NOTICE \(ACIN\) NO. I-35-18](#) (June 8, 2018)

This All County Letter (ACL) provides counties with information about changes made to the Case Management Information and Payrolling System (CMIPS) for the implementation of paid sick leave for In-Home Supportive Services (IHSS) providers.

### **BACKGROUND**

On January 9, 2018, the California Department of Social Services (CDSS) issued ACL 18-01 which provided information and instruction for implementing new policies related to paid sick leave for providers which will be implemented on July 1, 2018. After the implementation date, all existing In-Home Supportive Services (IHSS) providers who are currently actively working for IHSS recipients, will begin to accrue paid sick leave.

### **ACCRUING AND EARNING PAID SICK LEAVE HOURS**

All providers, both existing and newly hired after July 1, 2018, will accrue eight (8) hours of sick leave after working an accumulated 100 paid hours, on one or more recipient cases. Once the eight (8) sick leave hours are accrued, the provider must work an additional 200 hours, providing services to any IHSS recipient(s), or actively work for a period of 60 calendar days from the date on which the provider accrued his/her paid sick leave hours, whichever comes first, before they can use them.

These are one-time requirements that must be completed to accrue and use paid sick leave. A provider who completes the requirements after July 1, 2018 will continue to accrue the full amount of sick leave hours on July 1 of each subsequent fiscal year, if he/she continues to work as an active IHSS provider. Providers lose any unpaid sick leave at the end of every fiscal year.

Any provider who becomes inactive for one year will need to complete the one-time requirements again to earn and use paid sick leave should he/she become an active IHSS provider again. A provider who is reinstated to active status by submitting the In-Home Supportive Services Program Notice to Provider of Inactivity form (SOC 881) will not be required to start over in regards to the one-time requirements. If a provider is reinstated through the SOC 881, the county must contact CDSS so the provider's sick leave can be restored to what it was prior to them being inactivated.

### **REQUESTING PAID SICK LEAVE AND SICK LEAVE PAYMENTS**

Providers have the option to submit a request for paid sick leave electronically or through a paper form for any recipient case that they are actively working on. Providers are not able to claim paid sick leave on dates their recipient is on leave.

Providers who have an account on the IHSS Electronic Services Portal (ESP), formerly known as the Electronic Timesheet System (ETS), will have the option to submit his/her sick leave claims electronically. All providers, regardless of how they submit timesheets, can use the electronic system to claim sick leave.

Providers who do not want to submit sick leave claims electronically must complete an [IHSS Program Provider Sick Leave Request Form \(SOC 2302\)](#). Providers can obtain the SOC 2302 form through the CDSS website, or through their county IHSS office. The mailing address is indicated on the SOC 2302 form. The SOC 2302 will not be available in CMIPS for printing and no return envelopes will be provided.

The SOC 2302 details the name, address and provider number of the provider, the recipient case for which the provider is claiming sick leave and the date and times of the paid sick leave being requested. The paid sick leave claim submitted by the provider must include this information in order for the sick leave claim to be processed. A separate claim form will be required for each recipient a sick leave request is being claimed for. Providers are not required to disclose on the SOC 2302 the specific reason for requesting paid sick leave hours.

The minimum amount of sick leave that can be claimed at one time is one (1) hour. If claiming more than one (1) hour in a single day, time may only be claimed in increments of 30 minutes after the first hour. A provider can use up to their full sick leave accrual in a single day. If a provider's remaining sick leave balance becomes less than one (1) hour, they can claim the remaining balance.

Each provider is responsible for submitting his/her completed SOC 2302 forms to the CMIPS vendor. The SOC 2302 must be submitted in a separate envelope from the IHSS timesheet, and mailed to the address on the sick leave claim form. Timesheets and sick leave claim forms are processed at different locations, and forms that are mailed together in error will be forwarded to the appropriate location. Delays can be expected in processing any timesheets or sick leave claim forms that are inadvertently mailed together, as additional time would be required to forward either form to the correct location. The CMIPS vendor is responsible for all processing of paper sick leave claim forms submitted within five business days of receipt at the correct location.

The SOC 2302 must be completed on time and correctly to be processed. If a SOC 2302 received is not able to be processed, it will be returned to the provider with the IHSS Program Notice to Provider of Incomplete Paid Sick Leave Request Form (SOC 2303) with instructions to complete the SOC 2302 correctly. If the provider makes a mistake on the SOC 2302 form prior to submitting it, the provider should obtain a new SOC 2302 and submit the new form with no mistakes.

Paid sick leave information mailers (TEMP 3009) were sent during the month of June 2018 to active providers, instructing them to submit their completed SOC 2302 forms on or before the date the timesheet for the pay period in which the sick leave claim is made, and were advised that submitting the sick leave claim after this date may delay the sick leave payment. Processing the SOC 2302 will be allowed in CMIPS if the sick leave claim form is received by the end of the following month in which the sick leave is claimed. For example, if the sick leave occurs September 23<sup>rd</sup>, the form can be processed until October 31<sup>st</sup>. The CDSS has the ability to process a paid sick leave special transaction payment if the SOC 2302 is received after the deadline date due to circumstances outside of the provider's control. The CDSS will not issue special transactions for sick leave for providers who forget the fiscal year deadline and submit their claims after July 31<sup>st</sup> deadline for sick leave claims in June.

If the provider claims more sick leave hours on the SOC 2302 than are available, the hours will be cut back on the payment and the cutback hours will display on the remittance advice for the sick leave payment. A provider will not be paid for more than the total number of accrued hours allotted to them for the fiscal year in any scenario.

If the county is contacted by a provider who states they received a sick leave payment for more hours than was intended to be claimed on the SOC 2302, the payment must be voided by the county so the sick leave hours can be restored for the provider. If the erroneous payment was paid via direct deposit, the county will contact the CMIPS vendor to request a reversal of the deposit as soon as possible if needed. Once the payment is voided and the hours are returned, the provider must submit another SOC 2302 to claim the correct number of hours.

Paid sick leave will be paid to providers in a separate warrant, similar to travel claim payments, and are considered income for the purposes of Federal and State taxes. However, if a Live-In Self-Certification Form (SOC 2298) has been processed for the provider, the income will be excluded for taxation purposes.

Sick leave hours are separate from service hours and do not qualify for overtime pay. All sick leave hours are paid at the county wage rate associated with the recipient case against which it is being claimed.

The weekly and monthly hours assigned to providers do not change if a provider claims sick leave. Paid sick leave hours will not cause violations for providers. The provider is still eligible to work all hours they are assigned to a case, regardless of when a sick leave claim is requested. A provider may claim sick leave and work hours for his/her recipient in the same day.

Like travel and overtime pay, sick leave requests claimed on Advance Pay cases will be paid directly to the provider.

### **Camera Ready Copies and Translations**

For camera-ready copies of the English language versions of the forms referenced in this ACL are available on the [CDSS Forms-Brochures webpage](#). Upon completion of translations, CDSS will post Armenian, Chinese and Spanish versions on the [Translated Forms and Publications web page](#).

The designated Forms Coordinator for your county must distribute translated forms to each program and location. Each county shall provide bilingual/interpretive services and written translations to non-English or limited-English proficient populations, as required by the Dymally-Alatorre Bilingual Services Act (California Government Code Section 7290 et seq.) and by state (CDSS Manual of Policies and Procedures, Division 21, Civil Rights Nondiscrimination, Section 115).

### **CMIPS MODIFICATIONS**

New screens have been added to the Person Timesheet & Payroll Content tab in CMIPS to give county staff access to provider sick leave information.

#### ***Sick Leave Hours Screen***

The *Sick Leave Hours* screen can be accessed in the *Payroll & Timesheet* content tab on the *Person Home* screen. This screen tracks sick leave hours by fiscal year. No records will exist for fiscal years prior to the July 1, 2018 implementation of paid sick leave.

**BILL OAKTREE**  
 123 Oak St  
 San Francisco, CA 12345-6789  
 Female Born 05/17/1966, Age 51 123-456-7890 Not Recorded

Weekly Maximum (HH:MM) : 70:45  
 Number of Active Cases : 1  
 Weekly Travel Hours (HH:MM) : 00:00  
 Eligible : Yes  
 Enrollment Effective Date : 08/22/2014

Person Home Provider Payroll & Timesheet Overtime & Travel Time

Sick Leave Hours: BILL OAKTREE 000012345

Action	Fiscal Year	Accrued Date	Eligible Date	Accrued Hours	Paid Hours	Remaining Hours
<a href="#">View</a>	2018-2019	10/15/2018	12/1/2018	8.00	8.00	00:00

Payment Search  
 Timesheet Search  
 Weekly Provider Paid H...  
 Monthly Provider Paid H...  
 Travel Claim Search  
 Overpayment Recoveries  
 E-Timesheet Enrollment  
 Sick Leave Hours

**Figure 1 - Sick Leave Hours Screen**

The Accrued Date indicates the date the provider accrued sick leave hours. The Eligible Date is the date from which the provider is eligible to begin claiming sick leave hours. The Accrued Hours represent the number of hours of sick leave available to claim for the fiscal year. The accrued hours will display once the provider is eligible to submit a claim for the sick leave hours. Paid Hours indicates the number of sick leave hours which have been paid to the provider in the fiscal year. The Remaining Hours are the number of sick leave hours the provider has yet to claim in the fiscal year.

The accumulated hours worked or calendar days required for accruing sick leave are not visibly displayed in CMIPS. The information on the *Sick Leave Hours* screen is automatically updated when the provider submits timesheets and meets the requirements for accruing and earning sick leave hours. If a provider is not submitting timesheets, CMIPS will not be able to show that he/she has worked enough hours to be able to use sick leave.

### View Sick Leave Hours Details

County users should select the “View” link on the *Sick Leave Hours* screen to view details for Sick Leave Payments made in a specific fiscal year.

When the view link is selected on the *Sick Leave Hours* screen, the *View Sick Leave Hours Details* screen displays.

The *View Sick Leave Hours Details* screen displays information for payments made in a fiscal year. A sick leave claim submitted by the provider either electronically or with the SOC 2302 is indicated as a “Sick Leave Claim” for the Time Entry Type. If a Sick Leave Claim is processed by CDSS, it will show as a “Special Transaction” for the Time Entry Type. The pay period, sick leave hours being requested, and the status of the claim request and payment is also displayed here.

**BILL OAKTREE**  
123 Oak St  
San Francisco, CA 12345-6789  
Female Born 05/17/1966, Age 51 123-456-7890 Not Recorded

Weekly Maximum (HH:MM) : 70:45  
Number of Active Cases : 1  
Weekly Travel Hours (HH:MM) : 00:00  
Eligible : Yes  
Enrollment Effective Date : 08/22/2014

Person Home Provider Payroll & Timesheet Overtime & Travel Time

View Sick Leave Hours Details: BILL OAKTREE 000012345

Recipient	Claim Number	Time Entry Type	Program	Service Period Begin Date	Claimed Sick Leave Hours	Paid Sick Leave Hours	Sick Leave Claim Status	Payment Details	Warrant Status	Void Reason	Reissue
OAKTREE, JON	300000518	Sick Leave Claim	IHSS	10/1/2018	01:30	01:30	Processed	<a href="#">View Payment...</a>	Void	Undeliverable	<a href="#">Reissue Sick Leave</a>
OAKTREE, JON	300000520	Sick Leave Claim	IHSS	10/1/2018	01:30	01:30	Processed	<a href="#">View Payment...</a>	Paid		
OAKTREE, JON	300000526	Sick Leave Claim	IHSS	10/1/2018	01:30	01:30	Processed	<a href="#">View Payment...</a>	Paid		

Close

**Figure 2 – View Sick Leave Hours Details Screen**

## Voided Sick Leave Payments

Counties can reissue sick leave payments that become void due to being undeliverable to the addressee. When a warrant for sick leave is voided, the sick leave time is credited back to the fiscal year in which it was accrued. The county staff must verify and update the provider's mailing address before an attempt is made to reissue a voided warrant.

A link for reissuing a sick leave payment will only appear when the warrant is voided due to being undeliverable. To reissue a voided sick leave payment, a county worker must access the *View Sick Leave Hours* screen, select the "View" link beside the appropriate fiscal year for the voided warrant and select the "Reissue Sick Leave" link for the voided warrant. If the previously claimed hours remain available, then the payment will be processed and a new warrant will be reissued. If the originally paid hours exceed the provider's remaining sick leave hours, the reissued warrant will only pay up to the provider's remaining sick leave hours.

Counties must use the Duplicate Controller's Warrant/Stop Payment Form (STD 435) in any other scenario where the provider did not receive his/her sick leave payment, lost the payment, or hands the county a damaged warrant that is un-cashable. Counties must also initiate the replacement process using the STD 435 to replace sick leave payments that aren't in void status due to being undeliverable.

## Payment Details Screen

The *Payment Details* screen will include fields for Sick Leave Hours Paid and Sick Leave Hours Not Paid.

Payment Details	History	Void/Reissue/Replacement Activity	Cashed Warrant Copies	Forged Endorsement Affidavits
<b>Payment</b>				
<b>Warrant Information</b>				
Warrant Number: 21000005		EFT: No		
Issue Date: 04/27/2018		Funding Source: IPO		
Pay Status: Paid		Status Date: 04/17/2018		
<b>Pay Event</b>				
Pay Type: Sick Leave		Pay Period: 04/01/2018 - 04/15/2018		
Case Hours Paid (HH:MM):	00:00	Case Hours Not Paid (HH:MM):	00:00	
Travel Hours Paid (HH:MM):	00:00	Travel Hours Not Paid (HH:MM):	00:00	
Sick Leave Hours Paid (HH:MM):	04:00	Sick Leave Hours Not Paid (HH:MM):	00:00	
Total Hours Paid (HH:MM):	04:00	Hours Paid as Overtime (HH:MM):	00:00	
Pay Rate:	\$14.00	Overtime Pay Rate:	0.000	
<b>Earnings Statement</b>				
	Current	Year-to-Date		
Total Gross	\$56.00	\$2,260.06		
Pay Regular	\$0.00	\$2,204.06		
Dues	\$0.00	\$80.28		
Pay Sick Leave	\$56.00	\$56.00		
Net Pay	\$56.00	\$2,179.78		

**Figure 3 - Payment Details Screen**

The sick leave hours accrued and a remaining balance are also included on the remittance advice printed by the State Controller's Office (SCO) and mailed with the sick leave warrant or separately for a direct deposit payment.

No letter or formal notice will be sent to inform the provider once they become eligible to claim sick leave hours.

No tasks or notifications have been added to as part of these modifications.

### **Modifications to CMIPS Reports**

For county users who access reporting, the following reports will be modified to include information about sick leave:

#### Paid Case Summary and Detail

The report will be modified to change references from "Training" to "Sick Leave".

#### Payment Voucher Summary

The report will be modified to change references from "Training" to "Sick Leave".

#### Special Transaction Summary

The report will be modified to include the new special transaction type “Sick Leave”.

#### Warrants Issued Report

The report will be modified to ensure that Sick Leave payments are reported.

#### Warrant Redeposit Listing Summary

The report will be modified to add a “Sick Leave” section.

### **Modifications to CMIPS Data Download Files**

For county users who utilize the CMIPS Data Download files, the following CMIPS Data Download files will be updated to include the data listed below:

#### Provider Management

The Provider Management Data Download (DATAWLDPROV) will be modified to include the following data associated with Sick Leave: Accrued Date, Eligible Date, Accrued Hours, Claimed Hours, and Remaining Hours.

Column Name	Description
SICK_ACCRUED_DT	Sick Leave Accrued Date – The last day of a pay period in which the provider met the criteria to accrue sick leave hours for the current fiscal year.
SICK_ELIG_DT	Sick Leave Eligible Date – The first day of the pay period in which the provider is eligible to claim the accrued sick leave for the current fiscal year.
SICK_ACCRUED_HRS	Sick Leave Accrued Hours – The total number of Sick Leave Hours the provider has accrued for the current fiscal year.
SICK_CLAIMED_HRS	Sick Leave Claimed Hours – The total number of Sick Leave Hours the provider has claimed and been paid for in the current fiscal year.
SICK_REMAINING_HRS	Sick Leave Remaining Hours – The total number of Sick Leave Hours the provider has remaining for the current fiscal year.



Special Transaction Data

The Special Transaction Data Download (DATADWLDSDSPEC) will be modified to include the Sick Leave Special Transaction.

Column Name	Description
TRANS_TYPE	Added SKLV – Sick Leave

**COUNTY RESPONSIBILITIES**

County IHSS office staff will be responsible for working with IHSS providers and recipients to educate them on the new paid sick leave policy and requirements, fulfill requests for new forms, and to respond to payroll issues that may arise regarding paid sick leave. The information provided should be consistent with the policy set forth within this ACL and ACL 18-01. If the county delegates responsibility for informing and educating providers on the IHSS program requirements to the Public Authority (PA), then the county can similarly delegate responsibility for educating providers on the paid sick leave policy and requirements to the PA.

Provider orientation materials will be updated by CDSS to include information on paid sick leave requirements and the process of earning and using paid sick leave hours. The county IHSS office will inform providers during the provider orientation about the paid sick leave process in the interim between the implementation of the paid sick leave requirements (July 1, 2018) and the release of the updated materials.

If you have any questions regarding the modifications described in this ACL, you may direct them to the CDSS, Adult Programs Division, System Operations & Data Analysis Bureau at (916) 651-1003.

Sincerely,

***Original Document Signed By:***

DEBBI THOMSON  
Deputy Director  
Adult Programs Division

c: CWDA