

Information Memorandum Transmittal Developmental Disabilities Services



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Issue date: 1/20/2022

Topic: Developmental Disabilities

Due date:

Subject: 2021-2023 Personal Support Worker Collective Bargaining Agreement

Applies to (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> All ODHS Employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (<i>please specify</i>): |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Message:

The 2021-2023 Collective Bargaining Agreement (CBA) between the Home Care Commission (OHCC) and Service Employees International Union (SEIU), Local 503, Oregon Public Employees Union has been ratified. The purpose of this transmittal is to provide a summary about changes resulting from the new CBA.

Payroll Systems, Article 8

Section 1

New language was added to permit a PSW to have a time sheet processed when the PSW is unable to obtain an employer or employer proxy signature/authorization. ODDS will create guidelines outlining circumstances in which a submission can be processed by a CME without an employer or employer proxy signature/authorization. Until this guidance is finalized, CMEs should consult with ODDS on a case-by-case basis to determine whether unsigned/unauthorized time sheets can be processed.

Service Payments, Article 14

Section 1

A timeline was added for a PSW to receive a copy of the signed Service Agreement. PSWs must be given the Service Agreement as soon as practicable but no later than

seven days from when Employer and PSW have signed the Service Agreement.

Section 4

PSWs who have completed the Professional Developmental Certification (PDC) and are eligible for the PDC differential may have the PDC differential compounded with the Enhanced wage.

Service Payments of PSW's, Article 14.2

Sections 2, 3, 4 & 6

There have been updates to the PSW hourly rates including the base rate, Enhanced rate, Exceptional rate, and relief care rate. All rates were updated in Plan of Care (POC) for 1/1/2022. These rates can be found in the [Expenditure Guide v. 13](#).

New base PSW hourly rate effective 1/1/2022: \$16.67

New base PSW hourly rate effective 1/1/2023: \$17.77

New Enhanced rate effective 1/1/2022: \$17.67

New Exceptional rate effective 1/1/2022: \$19.67

New Enhanced rate effective 1/1/2023: \$18.77

New Exceptional rate effective 1/1/2023: \$20.77

New relief care rate effective 1/1/2022: \$14.75

New relief care rate effective 1/1/2023: \$15.25

Travel Time, Transportation and Mileage Reimbursement, Article 15

Section 2

The mileage rate increased to \$0.56/mile effective 1/1/2022. This rate is reflected in the [Expenditure Guide v. 13](#).

Section 5

PSWs may be reimbursed for costs incurred for parking when access to free parking is not available in the community surrounding an individual's home. The OHCC will be managing the reimbursement for parking fees.

The OHCC is in the process of developing a policy regarding the verification process for parking reimbursement which will include review of parking status surrounding individual's home and verification of work performed on date of receipt.

Section 6

There are now additional requirements for PSWs who lose their auto insurance or have their driver's license suspended. A PSW must immediately notify the CME if they lose their insurance or have their driver's license suspended. If the PSW fails to do

this, they waive any rights to claims of workers comp or other injury related to driving and may have any paid claims recovered.

Service Payment Overpayments, Article 19

Section 2

The OHCC Customer Relations unit will investigate overpayment and provide the worker with a written response within 14 business days. PSWs should contact the OHCC Customer Relations Unit to confirm the case and/or amount of an overpayment. OHCC provided information about this process via transmittal to CMEs which can be found here: <http://www.dhs.state.or.us/policy/spd/transmit/pt/2021/pt21034.pdf>.

Health and Safety, Article 20

There have been several updates to the CBA provisions concerning health and safety. The revised Article 20 in the 2021-2023 CBA has combined topics in Article 20.1 and 20.2 contained in the 2019-2021 CBA. Provisions concerning the topic of safe and healthy work environments have been moved from the 2019-2021 CBA Article 25 to Article 20 in the 2021-2023 CBA.

Section 1

Under the new agreement, CMEs and PSWs have additional responsibilities regarding known health and safety issues. CMEs must not authorize a PSW to work in a situation that would constitute a threat to their health or safety and must notify the PSW of any such risks prior to the PSW working any hours for the individual if such approval to share information with a PSW has been granted by the individual. Section 1 of the Article identifies specific situations which would constitute health or safety risks in the work environment.

Section 3

CMEs must have boxes of multiple glove sizes, and if a needed size is not available, the office will obtain and provide the appropriate size within 10 business days, rather than the 2 weeks indicated in the previous CBA.

Information and training regarding communicable diseases, universal precautions, flu and COVID-19 vaccines can be found on the OHCC health and safety website at <https://www.oregon.gov/dhs/SENIORS-DISABILITIES/HCC/PSW-HCW/Pages/Health-Safety.aspx> and CMEs must make this information available to PSWs upon request.

Section 6

CMEs will provide the individual the option of having an individualized emergency plan in the individual service plan (ISP). ODDS will create guidance for CMEs and PSWs outlining the process for creating such emergency plans.

Overtime and Hours Limitations, Article 24

Section 6

Language has been added to the CBA reflecting what a PSW should do if they believe an individual may require hours which exceed the current authorization. The PSW should speak with the individual or their representative to see if they are interested in requesting an exception. The PSW may bring up any concerns with the CME if the individual or representative decides to not request an exception.

Letter of Agreement – PSWs as State Employees

ODHS has agreed to create specific rules describing circumstances under which a PSW or employee of a CME cannot also work as an employee of the State of Oregon. This will involve drafting new rule language and convening a Rule Advisory Committee (RAC).

New Letter of Agreement (LOA) – Holidays

The Union and ODHS negotiated recognition of 3 annual holidays for PSWs. Effective in 2023 the following days will be recognized as holidays:

- 4th of July
- Thanksgiving Day
- Christmas Day

PSWs who are scheduled to work on one of the recognized holidays, will be paid at the rate of time-and-one-half for up to 8 hours worked on the holiday.

Communication/training:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@dhsoha.state.or.us.

- The Monthly Transmittal Reviews are held the second Wednesday of every month at 2 pm using the Zoom platform. Please register in advance for these meetings: <https://www.zoomgov.com/meeting/register/vJlsc-qvqD8iGURx5OQk8TAdIS6Arg9ZAf4>
- After registering, you will receive a confirmation email containing an appointment and information about joining the meeting. American Sign Language (ASL) and live captioning will be provided. To request other accommodations or languages, please send an email to ODDS.Questions@dhsoha.state.or.us at least three business days prior to the meeting.

If you have any questions about this information, contact:

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