Lilia Teninty

**Authorized signature**

**Topic:** Developmental Disabilities

**Subject:** PSWs violating weekly limits

**Applies to (check all that apply):**
- [ ] All DHS employees
- [ ] Area Agencies on Aging
- [ ] Aging and People with Disabilities
- [ ] Self Sufficiency Programs
- [ ] County DD Program Managers
- [ ] ODDS Children’s
- [ ] Residential Services
- [ ] Child Welfare Programs
- [ ] County Mental Health Directors
- [ ] Health Services
- [ ] Office of Developmental Disabilities Services (ODDS)
- [ ] ODDS Children’s Intensive In Home Services
- [ ] Stabilization and Crisis Unit (SACU)
- [ ] Other (*please specify*): Brokerages, Service Coordinators and Personal Agents

**Reason for action:**

ODDS is taking steps to reduce the amount of unauthorized overtime being worked by PSWs. ODDS is establishing a regular review cycle to monitor PSW overtime.

ODDS has compiled the list of active approved exceptions that were approved at the state level and have been working with CMEs to identify PSWs who were granted an exception at the local level.

ODDS will begin sending warning letters to PSWs who worked more than 10 hours of unauthorized overtime over a four-week period. ODDS will send each CME a list of PSWs associated with their CME who will be receiving a warning letter. In the future ODDS may send warning letters to PSWs who work any level of unauthorized overtime including up to 10 hours as determined by identified trends of overtime utilization.

PSWs who receive a warning letter are at risk for termination of their PSW number if they continue to work excessive hours. ODDS will continue to inform CMEs of additional warning letters or actions being taken against PSWs including inactivation or
termination of their provider number.

ODDS will also send notices to employers associated with the PSWs working overtime alerting them that their employee has committed a violation and is at risk for termination if the PSW continue to work excessive hours.

ODDS is continuing to monitor utilization and trends related to overtime to identify groups of PSWs and employers who will receive warning letters related to working unauthorized overtime.

**Action required:**

CMEs must review the [PSWs Violating Hours Worker Guide](#) and the [PSW Hours Limits Exceptions Worker Guide](#) for guidance on how to address the overtime being worked by PSWs who serve individuals within your case management entity.

If an employer is responsible for scheduling the PSW to work more than their weekly limit ODDS has drafted a letter that can be used to warn the employer that they are at risk of being removed if they continue to schedule their PSW(s) for excessive hours.

**Field/stakeholder review:**  ☒ Yes  ☐ No  
**If yes, reviewed by:**  CDDPs and Brokerages

*If you have any questions about this action request, contact:*

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