

Policy Transmittal Aging and People with Disabilities



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Number: APD-PT-21-034

Issue date: 11/19/2021

Topic: Long Term Care

Due date: 11/19/2021

Transmitting (check the box that best applies):

- New policy
 Policy change
 Policy clarification
 Executive letter
 Administrative Rule
 Manual update
 Other:

Applies to (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input checked="" type="checkbox"/> Area Agencies on Aging: Types A and B | <input type="checkbox"/> Health Services |
| <input checked="" type="checkbox"/> Aging and People with Disabilities | <input 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 type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> Support Service Brokerage Directors | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Ratification of the 2021-2023 Collective Bargaining Agreement Pertaining to HCWs		
Policy/rule number(s):		Release number:	
Effective date:	Immediately	Expiration date:	
References:	2021-2023 Collective Bargaining Agreement Between the Oregon Home Care Commission and SEIU, Local 503, OPEU		
Web address:	https://www.oregon.gov/dhs/SENIORS-DISABILITIES/HCC/PSW-HCW/Pages/Collective-Bargaining.aspx		

Discussion/interpretation: The 2021-2023 Collective Bargaining Agreement between the Home Care Commission (OHCC) and Service Employees International Union (SEIU), Local 503, OPEU has been ratified. The purpose of this transmittal is to provide information from the agreement that impacts local APD/AAA offices, which include specific actions that must be implemented.

Once available, the new agreement will be posted under the [Homecare Worker](#) section on the Case Manager Tools website and [OHCC website](#). The agreement should be referred to for exact contract language.

For quick reference, the list of necessary actions is summarized in the [Local/Branch Action Required](#) section of the transmittal.

Article 8 – Payroll System

Section 1. Time Submission

Since vouchers are no longer being used, a properly completed payable time submission is one that:

- Has been completed and submitted through Oregon Provider Time Capture Direct Care Innovations (OR PTC DCI); and
- Has hours that are reported accurately and do not exceed the authorized hours unless the provider works additional hours because of an emergency (an urgent need for care arises and exceeding the limit is unavoidable without risking the health and safety of the consumer) and notifies the local office within two business days.

Reminder: Do not delay processing a HCW's time submission due to the issuance of a substitute worker's time submission for the same consumer if the consumer has hours available in their service plan.

Article 14 – Service Payments

Section 1. Prior Authorization

HCWs must be prior authorized to work for a specific employer-consumer. Prior authorization means there is:

- Authorization in the OR PTC DCI system; and
- Task List (provided to the HCW no later than 7 calendar days from the date of hire).

Section 3. Letter Explaining Late Payment

Upon the HCW's request when their pay is not processed timely, the local office will provide a letter that indicates the HCW has submitted their time and the amount authorized for payments. The form to use is: [4105L](#). A copy of this form is saved in EDMS under the Supplemental Information of the HCW Providers section.

When a HCW receives payment for demonstrable costs incurred due to a late payment as outlined in Article 8, Section 5, this information will be supplied by the OHCC upon

request.

Section 4: Training Certification Differential

The Professional Development Certification (PDC) Differential can now be combined with the Enhanced differential.

Section 6. Wage Increases

- Effective on the pay period starting on January 2, 2022, the base rate will increase \$0.90/hour.
- Effective on the pay period starting on January 1, 2023, the base rate will \$1.10/hour.

Section 14.1 Service Payments

Section 1: Rates

Effective January 2, 2022 - \$.90 per hour increase

Base rate	\$16.67
PDC rate	\$17.17
Enhanced rate	\$17.67
VDQ rate	\$19.67
New: VDQ combined with Enhanced rate	\$20.67
New: PDC combined with Enhanced rate	\$18.17

Effective January 1, 2023 - \$1.10 per hour increase

Base rate	\$17.77
PDC rate	\$18.27
Enhanced rate	\$18.77
VDQ rate	\$20.77
New: VDQ combined with Enhanced rate	\$21.77
New: PDC combined with Enhanced rate	\$19.27

Section 3: Ventilator Dependency and Quadriplegia (VDQ) Differential

The rate differential for Enhanced certification and VDQ can be combined. If an HCW has both certifications, they will earn \$4.00 above the base rate.

Extended deadline: HCWs currently working for consumers eligible for the Ventilator Dependent Quadriplegia (VDQ) Program must earn the VDQ certification by June 30, 2022 or they will lose VDQ differential. Please refer to [APD-PT-21-002](#) for information about VDQ certification requirements.

Article 15 – Travel Time, Transportation and Mileage Reimbursement

Section 2. Transportation Mileage Rate

Effective on the pay period starting on November 21, 2021, the mileage rate increases to \$0.56/mile.

Section 4. Preauthorized Parking Reimbursement

The OHCC will reimburse HCWs for actual verifiable cost incurred for parking when access to free parking is not available in the community surrounding the consumer's home. This reimbursement does not apply to HCWs who live with their consumer-employer.

OHCC is in the process of developing a policy that will include the information needed to verify eligibility for the reimbursement. This may include location of the paid parking, parking receipts (date, time, and parking fee), and the consumer-employer's initials. OHCC will soon roll-out an OHCC Customer Relations - Online Service. HCWs can submit parking reimbursement requests through the online service or email. HCWs with questions should be directed to OHCC Customer Relations at 1-877-624-6080 or OHCC.CustomerRelations@dhsoha.state.or.us.

Local APD/AAA offices do not need to collect or verify this information.

Article 19 - Service Payment Overpayments

Section 2. OHCC Complaint Process and Verification of Overpayment

HCWs may initiate the OHCC complaint process to verify the cause and/or amount of any overpayment by contacting the OHCC Customer Relations Unit by phone or email: 877-624-6080 or OHCC.CustomerRelations@dhsoha.state.or.us

Article 20 – Health and Safety

Section 1. Safe and Healthy Work Environment

Local APD/AAA offices shall not knowingly authorize a HCW to work in an in-home service setting that could constitute an immediate threat to their health or safety.

If there is a known and documented health or safety risk or if an issue arises while working for the consumer-employer, case managers must notify HCWs who may seek employment with that consumer of these risks, as long as the release of information does not violate the consumer's rights, choices, or confidentiality. **HCWs may choose to continue to work for the consumer-employer after being notified of health or safety risks.**

Examples of health or safety risks to HCWs:

- Physical abuse or harm to the HCW by the consumer-employer or by other persons in the household.
- Threatening or dangerous behavior toward the HCW by the consumer-employer or by other persons in the household.
- Sexual harassment or sexual abuse of the HCW by the consumer-employer or by other persons in the household.
- Mental, emotional, or verbal abuse or harassment of the HCW by the consumer-employer or by other persons in the household.
- Domestic Violence in the household.
- Illegal drug activity in the household.
- Other criminal activity in the household.
- Unsafe or unhealthy work environments, such as the presence of toxic mold, rotting floorboards, rodent infestation, aggressive animals, unsafe egress, etc.

A HCW should report an unsafe work environment that is not immediately threatening or dangerous to the local APD/AAA office and OHCC. HCWs may contact OHCC Customer Relations at 877-624-6080 or OHCC.CustomerRelations@dhsosha.state.or.us.

- HCWs have the right to refuse to work with, or to stop working with, any consumer-employer if a health or safety issue has been identified.
- HCWs may immediately end employment with a consumer-employer based on a health or safety issue after notifying the local office.
- Case Managers should work with Central Office to determine if a consumer's home is not safe for HCWs. Please refer to [OAR 411-030-0040\(4\)](#) and email: APD.MedicaidPolicy@dhsosha.state.or.us.
- Case Managers should document within Oregon ACCESS any health and safety concerns brought to their attention.

OHCC and stakeholders completed a workgroup on Health and Safety of Homecare workers and a transmittal will be issued soon to provide further policy and guidance on this section of the CBA.

Section 2. Personal Protective Equipment (PPE)

Reminder: Local APD/AAA offices must keep an adequate supply of PPE (gloves and masks) on hand. At a minimum, each office should have 10 unopened boxes of each size of glove and three boxes of masks in stock. Refer to [APD-IM-20-020](#).

Section 3. Gloves and Masks

When gloves and masks are not available at the consumer-employer's residence, or through their health plan, the HCW may request from the local office enough to

address a consumer-employer's need for a month. Unopened boxes must be provided to HCWs. Providing gloves and masks for general housekeeping is no longer prohibited.

Section 4. Other Safety or PPE Requests

HCWs can request other PPE or safety equipment. The request must be in writing and submitted to the local office. Local office program managers or their designee will approve or deny the request within 10 business days from the receipt of the written request.

Reminder: Case managers may request medical grade PPE for an HCW supporting a consumer-employer exposed to COVID-19 or tested positive for COVID-19 by emailing OHCC at APD.OHCC.Carestaffing@dhsosha.state.or.us. Please refer to [APD-IM-21-018](#) for details.

Section 6. Communicable Diseases and Universal Precautions Information

HCWs can find this information on the [OHCC Health & Safety Web](#) page.

Section 7. Flu Shot and Vaccine Information

Publicized information available on OHCC Health & Safety and COVID-19 Vaccine and Resources web page.

- Click [OHCC Health Safety](#) web page
- Click [OHCC COVID-19 Vaccine and Resources](#)

Section 8. Consumer Emergency Plan

Local APD/AAA offices will offer consumer-employers the option of having an individualized emergency plan as part of their service plan that includes, but is not limited to how the consumer will evacuate or shelter in place should it become necessary due to wildfire, pandemic, natural disasters, or other emergent situation. A transmittal will be issued at a later time that will provide guidance and instructions for case managers.

The [OHCC Employer Resource Connection program](#) can also assist consumers with emergency planning.

Article 24. Overtime and Hour Limitations

Section 6. Exceptions to the Hours Limitation

A HCW who believes the consumer-employer may require more hours than authorized should speak with the consumer-employer or their authorized representative to see if they are interested in requesting an exception through their case manager. The HCW may bring up any concerns with the local office if the consumer-employer or authorized representative decides to not request an exception but the HCW believe more hours are needed to safely meet the individual's service needs.

- When a HCW reports unmet care needs and believes additional hours are needed to meet those unmet needs, a CM should narrate and determine the appropriate response, such as requiring a new assessment, discussing the concerns with the consumer-employer or representative, initiating an exception request, K-plan request, meals on wheels, etc.
- A HCW request by itself does not require a decision notice.

New Letter of Agreement (LOA) - Pandemic Recognition Pay (hazard pay)

HCWs will receive a one-time payment of \$2,261.99 in recognition of providing services to consumer-employers during the pandemic. To be eligible, HCWs must have provided services between March 2020 to April 2021 and have an active provider number on 12/1/2021. These payments will be viewable on the HINQ screen. The payment is scheduled to be issued on 12/1/2021.

New Letter of Agreement (LOA) – Holidays

Effective January 1, 2023 the following days will be recognized as holidays:

- 4th of July
- Thanksgiving Day
- Christmas Day

Workers will be paid at the rate of time-and-one-half for up to eight (8) hours worked on a recognized holiday.

Time worked beyond eight (8) hours shall be paid at the HCW's normal wage rate.

Holiday pay will be paid on the same schedule as overtime.

Update about future changes during the 2023-2025 biennium

New certification: APD is creating an Exceptional certification for HCWs that will be available by September 1, 2023. Those who earn the certification and work for individuals who have exceptional behavioral needs and require awake staff at least 16 hours per day will earn \$3.00 above the base rate. A transmittal will be issued once details are available.

New pay structure: A Letter of Agreement (LOA) was signed to redesign how HCWs are paid during the 2023-2025 biennium. This will include the development of a universal provider number and wage increases based on the number of months a HCW works each calendar year. A transmittal will be released in 2023 providing details.

HCWs who have questions about these future changes should contact the Member Assistance Center with SEIU, Local 503 at 1-844-503-7348.

Training/communication plan: As soon as available, a copy of the CBA will be posted on the case management tools website and [OHCC-SEIU CBA web page](#).

Local/branch action required: Immediately begin implementing new requirements set forth in the bargaining agreement:

- Provide HCWs with a task list within 7 calendar days of hire.
- Provide HCWs with the 4105L letter when the HCW's pay is not processed timely and the HCW requests the letter.
- A transmittal will be released that will go into greater detail about a new exceptional differential for trained HCWs serving consumers who have been assessed as needing awake staff at least 16 hours a day and who have exceptional behavioral needs.
- Parking reimbursement requests from HCWs should be forwarded to OHCC at OHCC.CustomerRelations@dhsosha.state.or.us.
- Do not knowingly authorize a HCW to work in a situation that is a threat to the HCW's health or safety. A transmittal will be issued for further policy and guidance on this section of the CBA.
- Provide HCWs with unopened boxes of masks and gloves when they are not available at the consumer-employer's residence. Requests for PPE can also be sent to OHCC.CustomerRelations@dhsosha.state.or.us.
- Advise HCWs who request other PPE or safety equipment that the request must be submitted in writing. Once the HCW has provided a written request, it must be reviewed by the program manager or designated employee in the local office for approval.
- Provide each consumer-employer with the option to have an emergency plan included in the service plan. A policy transmittal will be issued to provide guidance.
- HCWs can now bring up concerns with local offices if they feel a consumer-employer needs an exception to the current authorized hours. Local office staff should review the information and contact the consumer-employer or the representative if an exception or an assessment may be needed.

Field/stakeholder review: Yes No

If yes, reviewed by:
Operations Committee

Filing instructions:

If you have any questions about this policy, contact:

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