

# Policy Transmittal Aging and People with Disabilities



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**Number: APD-PT-23-029**

**Issue date: 12/8/2023**

**Topic:** Provider Information

**Due date:**

**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 ( <i>please specify</i> ):                     |
| <input type="checkbox"/> ODDS Children’s Residential Services             |   |
| <input type="checkbox"/> Child Welfare Programs                           |   |

<b>Policy/rule title:</b>	Ratification of the 2023-2025 Collective Bargaining Agreement Pertaining to HCWs		
<b>Policy/rule number(s):</b>		<b>Release number:</b>	
<b>Effective date:</b>	Immediately	<b>Expiration date:</b>	
<b>References:</b>	2023-2025 Collective Bargaining Agreement Between the Oregon Home Care Commission and SEIU, Local 503, OPEU		
<b>Web address:</b>			

**Discussion/interpretation:** The 2023-2025 Collective Bargaining Agreement (CBA) between the Home Care Commission (OHCC) and the 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 offices, including specific actions that must be implemented.

Once available, the CBA will be posted on the [Homecare Worker](#) page on the Case Manager Tools website and on the [OHCC website](#). The CBA should be referred to for

exact contract language.

## **Article 8 – Payroll System**

### **Section 3. PTC/EVV Exceptions**

- Homecare Workers (HCWs) can request an exception to the use of OR PTC DCI for ADA accommodation reasons through OHCC by completing an [OHCC customer relations request form](#) (green button).
- The CBA indicates that a HCW may request an exception (to meeting EVV requirements) up to four times each calendar year due to temporary limited access to the internet by contacting the local office. An exception allows the HCW to enter in historical time entries for a specific pay period.
- Local offices should document and approve any such requests received (unless there is clear indication that it shouldn't be approved).
- Local offices are not required to track the number of requests that are made.
- Each exception is limited to temporary access issues to the internet. HCWs are expected to meet EVV requirements on an ongoing basis.
  - Local offices should provide the above link to HCWs who request this information.

### **Section 4: Pay Processing**

APD central office will develop policy and training for local offices to follow when they are contacted by a HCW who believes they were not paid correctly. It is vital that HCWs be paid timely and accurately. This is to ensure positive working relationships with HCWs, meet federal and state labor law for timely payment and avoid penalties associated with late and partial payments.

When a HCW contacts a local office regarding a payment issue, staff must research the possible reason why a HCW may not have been paid correctly. This should include to see if:

- There is an approved service benefit and service plan in Oregon ACCESS (OA).
- The provider has been chosen by the consumer.
- There is an authorization in OR PTC DCI and the hours match the service plan authorization.
- The consumer's eligibility and exception coding is correct.
- The consumer and HCW are linked in OR PTC DCI.
- A "voucher" has been created in the mainframe.
- Punches have been approved in OR PTC DCI.
- Information has been entered correctly in the STIM screen in the mainframe.
- The claims were submitted accurately and timely by the HCW.

Local offices should resolve any of the issues specified above.

## **Section 5: Timely and Accurate Pay**

- If a HCW believes they did not receive timely or accurate payment, the HCW should immediately contact the local office to resolve the payment issue (refer to actions under Section 4).
- If a HCW wants to seek a late or partial payment penalty fee, they must submit a request via the [OHCC Late/partial payment request form](#) (purple button) within 60 calendar days of the pay processing date related to the late or partial payment. If they do not submit a request within that timeframe, they will not be eligible for late or partial payment penalty fees.
- Local offices should provide the link to HCWs who request this information.

## **Section 11: Provider Credentials**

- HCWs can start renewing credentials 120 calendar days before expiration but must submit at least 70 days prior to credential expiration date to ensure adequate time to process the renewal.
- Local APD/AAA offices must accept requests for renewals as early as 120 days prior to expiration. ORCHARDS will allow the submission of background checks 120 days in advance.
- HCWs do not have to complete another orientation or meet core training requirements if they re-apply within six months of their credential expiring.
- HCWs will receive a supplemental flyer with the background check autogenerated notices letting them know they may call the local office if they need help understanding the information on the notice. HCWs can request to speak with an interpreter when needed. Local offices must provide access to these interpreter services.
- To request interpreter services for direct communications with HCWs, follow the same process as when interpreter services are requested for consumers. Please record the following billing codes on the invoice: Index 31319; PCA 30069; AOBJ 4551.
- The background check renewal letters have been translated and are available on the [forms](#) server (Form # APD 367550). When printing, use the drop-down menu to enter the date of the HCW's credential expiration.

## **Article 14: Service Payments**

### **Section 1: Prior Authorization**

- HCWs must be paid on time every time for all authorized hours worked.
- Authorization in the OR PTC DCI system or written notice of authorized hours and services (Form SDS 4105) and task list are considered prior authorization.
- In the case of an emergency or urgent situation that presents a risk to a consumer's health and safety that requires the HCW to work beyond their authorized hours, an HCW must notify the case manager, covering case manager, or supervisor within two business days that additional hours were worked. Approval for additional hours must be documented in OA.

- Local offices may provide hours authorization to an HCW via secure email when a consumer needs an HCW to provide services that cannot wait for the prior authorization process noted above.
- When a HCW notifies a local office about a consumer's request that they perform a non-task list duty (e.g., yard work, pet care), the local office must contact the consumer within five business days to reorient the consumer to the task list and to remind the consumer that they cannot ask HCWs to perform tasks not on the task list. Please refer consumers to [Employer Resource Connections](#) (ERC), as needed.

#### **Section 4: Professional Development Certification (PDC) Differential**

- Starting 1/14/24, PDC differential will be increased to \$.75 per hour.
- To qualify for the PDC differential, an HCW must complete 30 hours of training including four required classes (Keeping it Professional, Working Together, Helping Caregivers Fight Fraud and Abuse, Preventing and Reporting Critical Incidents), a minimum of five hours of safety-skills training and a minimum of five hours of OHCC approved elective trainings.
- Starting 1/1/24, any Continuing Education (CE) training hours completed by HCWs due to the implementation of SB1534 shall count toward the requirements for the PDC.
- The new course required for PDC certification (Preventing and Responding to Critical Incidents) is being developed. Once implemented all HCWs applying for the PDC will need to complete this new course. HCWs with a current PDC will not be required to complete the new class until their PDC renewal.

#### **Section 5: CPR/First Aid Differential**

- Beginning on 1/14/24, HCWs who provide proof of a valid CPR/First Aid certification with a demonstration of skills will receive a \$.25 per hour differential.
- Effective immediately, HCWs must send their CPR/First Aid cards directly to OHCC. Please do not accept the cards at the local office. Local offices no longer need to enter this information in OHCC's registry.
- The Homecare Worker will need to upload their CPR/First Aid card on to the Oregon Home Care Commission's Learning Management System called PACE.
- To access PACE, the Homecare Worker will create an account at this website: <https://workspace.oregonstate.edu/ohcc> or contact the training unit at [Training.OHCC@odhsoha.Oregon.gov](mailto:Training.OHCC@odhsoha.Oregon.gov) for further assistance.
- CPR/First Aid differential cannot be combined with other differentials.
- This new differential does not require any local office action. OHCC will contact HCWs about the new differential.
- HCWs must submit their CPR/First Aid renewals to the OHCC one month prior to their CPR/First Aid certification end date to continue eligibility for the differential.
- HCWs are responsible to track the end date and ensure renewal is completed timely.

## **Section 7: Wage Increases**

- Effective on the pay period starting 1/14/24, HCWs will receive a \$1.73 per hour increase. The new base rate will be \$19.50 per hour.

### **Pay Step Scale**

Local offices will not need to take any actions to ensure that HCWs are receiving the right pay. IT systems are being updated to pay HCWs their correct step. The following is provided for information only.

- Effective on the pay period starting 7/14/24, HCWs will be placed on a step pay scale commensurate with their hours worked, retroactively calculated from 1/1/23. For every 2000 hours worked, the HCW will go up one step.
- HCWs will be paid at the hourly rate in accordance with the Pay Scale (below) plus any applicable earned differentials.
- HCWs whose credentials have lapsed and then re-enroll within 24 months of the lapse date, will be placed on the same step prior to the lapse. If the lapse is greater than 24 months, the HCW will be placed on the first step of the pay scale. This does not apply to HCWs terminated for cause who if they are allowed to return will be placed on the first step of the pay scale.
- Overtime hours, or hours worked beyond 40 in the workweek, are excluded in the calculation of 2,000 hours required for the step increase.
- Historical time submissions will not count toward the total hours worked if they are submitted after the step evaluation has occurred.
- The step evaluations will occur in July 2024 and January 2025 for this CBA. The evaluation considers the hours worked when payment has been provided.

#### **PAY SCALE**

<b>Step</b>	<b>Hours Worked and accumulated since January 1, 2023</b>	<b>July 1, 2024 Hourly Rate</b>	<b>Jan. 1, 2025 Hourly Rate</b>
1	0 < 2000	\$19.50	\$20.00
2	2000 < 4000	\$20.50	\$21.00
3	4000 < 6000	\$21.50	\$22.00
4	6000 < 8000	\$22.50	\$23.00
5	8000+	\$23.50	\$24.00

## **Article 15: Travel Time & Mileage Reimbursement**

### **Section 1: Travel Time**

- Brief stops such as those for rest breaks, getting gas or using the restroom between service recipients are considered as traveling directly between two consumers' homes. A significant break in time is defined as 60 minutes unless extenuating circumstances exist such as the distance between consumers,



traffic, traffic accident or because of an instance of uncontrollable natural forces that impact the HCW's travel.

## **Section 2: Transportation Mileage Rate**

- The CBA specifically states: The State may authorize a provider to receive mileage reimbursement to travel from their home to the consumer's home on a case-by-case basis due to no available providers living within a reasonable distance to the consumer.
- Local offices may not authorize payment for mileage for this reason. APD is currently reviewing this portion of the CBA and will be working with agency partners on developing policy and processes around this.

## **Article 20: Health and Safety**

When HCWs notify local offices of safety issues, whomever receives this information must immediately notify the appropriate case manager. Refer the HCW to the following:

- "[Care Provider Guide \(DHS 3787\)](#)" – this is an information guide about reporting an unsafe work environment.
  - The Care Provider Guide has an online form located within it, this form is to be filled out by the HCW, [DHS 3787](#).
  - The Care Provider Guide is available on OHCC's website and the forms server.
  - The guide is available in English, Arabic, Simplified Chinese, Traditional Chinese, Korean, Romanian, Russian, Somali, Spanish, and Vietnamese.
- The task list is being updated to include information on how a HCW is to report an unsafe work environment.
- Case managers must address unsafe work environments with consumers. Follow the instructions in [APD-PT-17-058](#) and the guidance found on the [In-Home Support Services](#) section of CM Tools.

## **Article 24: Overtime and Hours Limitation**

- Effective 12/31/2023, HCWs can work up to 60 hours per week. This increases the cap from 40 or 50 hours to 60 hours for all providers (HCW, PSW, PCA). All other policies related to HCW hours still apply. A HCW who is also a PSW or PCA must only work 60 hours per week between all programs.
  - Example: 30 hours as an HCW; 10 hours as an PCA; 20 hours as an PSW
- Case managers may begin discussing this change with consumers. Consumers can choose to have more of their hours assigned to the HCW. OA will be updated to allow local office staff to update service plans to accommodate this change by 12/31/2023.

### **New Article: Holidays**

HCWs will receive holiday pay at time and a half for the first eight hours worked on the following holidays:

- Thanksgiving
- Christmas
- Fourth of July
- Labor Day
- Memorial Day

Local offices will not need to take action to provide the holiday pay. IT systems are being updated to ensure that holiday pay is paid.

### **New Article: Consumer Choice**

- No staff may direct consumers to choose any specific provider type (i.e., not encouraging a consumer to choose either a HCW or an IHCA provider). Choice counseling/providing information for consumers to make a decision is appropriate, which includes providing [Form DHS 8958](#). This can be ordered as a brochure through the FBOS screen.

### **The following is effective January 2025 (additional information will be provided as needed on a later date):**

- HCWs will begin receiving compensation for an additional 15 minutes per pay period at the base rate for the purposes of recording and submitting time. The 15 minutes are in addition to the total number of hours HCWs are authorized to work during a payroll period and is not per consumer for whom they work and does not impact the hours authorized to any consumer. This is a pilot project. The pilot ends on 6/30/2025, unless extended by mutual agreement.
- The pay processing date will be every other Wednesday. If a pay processing date falls on an Oregon or Federal Holiday, the date will be moved to the prior business day.
- Central Office will be researching the possibility of allowing HCWs to care for emotional support and service animals as an authorized task.

### **Training/communication plan:**

As soon as available, a copy of the CBA will be posted on the [case management tools](#) and [OHCC web pages](#).

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

**Central office action required:** Available for Support and Policy Clarification

**Field/stakeholder review:**  Yes  No

**If yes, reviewed by:** Operations and Internal Review

**Filing instructions:**

*If you have any questions about this policy, contact:*

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