

Policy Transmittal Developmental Disabilities Services



UPDATED

Anna Lansky
Authorized signature

Number: DD-PT-23-067
Issue date: 02/01/2024

Topic: Developmental Disabilities

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 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 checked="" 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 checked="" type="checkbox"/> Other (<i>please specify</i>): Personal Agents and Services Coordinators |
| <input type="checkbox"/> ODDS Children's Residential Services | |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	2023-2025 SEIU PSW Collective Bargaining Agreement changes
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Discussion/interpretation:

2/1/2024 edits:

Corrections to the Differentials Table (below).

Clarifications regarding CME responsibilities related to:

- the PSW weekly hour limits.
- health and safety issues.

Edits for plain language (not shown in red).

Weekly Cap (Article 24, Section 3):

Starting December 31, 2023, PSWs can work up to 60 hours a week without an exception. Employers can contact the individual's CME to request that a PSW's authorized hours be increased to 60 hours per week (if there are hours available within the person's service level).

The eXPRS team has made the necessary changes to allow authorizations of 60 hours per PSW. Currently approved exceptions above 60 hours remain in place. CMEs do not need to take any action to make changes to the PSW's weekly limit on the provider record.

ODDS has prepared a [Provider Service Agreement addendum](#) that can be used to modify the number of hours that a PSW is authorized to work.

The employer can approve an increase to the authorized hours without a signature. The CME must document the verbal or email approval and send the addendum to the PSW to serve as prior authorization. CMEs are not expected to proactively contact employers to inquire if they would like to increase the authorized hours for their PSWs.

A new Provider Service Agreement is required when there is a new provider or a change to anything other than the number of hours.

The [Exceptions to Individual Support Plan Hourly Cap for PSWs](#) and [PSWs Exceeding Weekly Hour Limitations](#) Worker Guides will be updated to reflect these changes.

At the direction of an employer, a PSW may exceed a weekly hour limit identified in a service agreement or the addendum but may not exceed the monthly hour limit. ODDS will only take action against a PSW based on the monthly limit, not a weekly limit.

Example: A PSW has a weekly limit in their service agreement of 40 hours and a monthly authorization of 220 hours. If a PSW works 50 hours within one work week but still works only 220 hours for the month, ODDS will not take any action.

ODDS reserves the right take action against PSWs who exceed their weekly hours limit on their PSW provider record (60 hours by default) or exceed their total authorized hours.

Example: A PSW has a weekly limit on their provider record of 60 hours and works 80 hours in a work week. ODDS could take action against the PSW.

Example: A PSW has a monthly limit of 177 hours in their service agreement and the PSW works 200 hours in a month. ODDS could take action against the PSW.

Wages and Pay:

COLA (Article 14, Section 7):

On January 1, 2024, all PSWs will receive a cost-of-living increase (COLA) of \$1.73/hr. Current PSWs who are paid more than the base wage due to continued enrollment since before October 1, 2013, will receive the COLA. The base rate for PSWs will be \$19.50/hr.

PSW rates changes will be made by the eXPRS team. **Please do not enter the new rate manually.** Look for additional information and guidance on the rate changes from eXPRS.

[Expenditure Guidelines](#) have been updated to reflect the COLA to be effective January 1, 2024.

Steps (Article 14, Section 7 & Appendix A):

Starting July 1, 2024, PSWs will transition to a “steps-based” pay scale. PSWs will initially be placed on a step determined by the accumulated regular work hours, excluding overtime, from 1/1/2023.

For every 2000 hours worked, the PSW will move up a step in the pay scale. ODDS will calculate the accumulated regular work hours twice a year, determine the correct step, and update the pay rate in eXPRS.

PSWs with a wage that exceeds the highest wage of the steps-based pay scale will not see additional wage increases at this time.

PSWs that have wages within the steps-based pay scale will be placed on a step by rounding up their wage to the next step amount. PSWs with a legacy rate will remain at their assigned step until the PSW accumulates enough hours to move up to the next step.

PSWs who have interruptions in their credentials for less than 24 months will remain at the same step after re-enrollment. Those with lapses in their credentials for more than 24 months will restart at the first step of the pay scale.

The eXPRS team will process all wage calculations and update SPAs with the applicable wage. If a PSW also works as a HCW or a PCA and their hourly rate is found to be more than the PSW calculation, they will receive the higher rate. This comparison will also be performed by the eXPRS team.

The Steps will eliminate the need for PSW rates to be entered manually by CMEs. More information about implementation of the Steps wage progression will be available prior to implementation.

Step	Hours worked and accumulated since 1/1/2023	Wage 7/1/2024	Increase	Wage 1/1/2025	Increase
1	0-2000	\$19.50	-	\$20.00	\$0.50
2	>2000-4000	\$20.50	\$1.00	\$21.00	\$0.50
3	>4000-6000	\$21.50	\$1.00	\$22.00	\$0.50
4	>6000-8000	\$22.50	\$1.00	\$23.00	\$0.50
5	8000 +	\$23.50	\$1.00	\$24.00	\$0.50

Relief care (Article 14.2, Section 7):

On January 1, 2024, daily relief care rates will now be based on the PSW base rate. Daily relief care by a PSW will increase to \$312/day.

Daily relief care rates changes will be made by the eXPRS team. Please do not enter the new rate manually. Look for additional information and guidance on the rate changes from eXPRS.

Late or Partial Payment Fees (Article 8, Section 6):

PSWs who submit their time properly but are paid late or incompletely for all or part of their hours worked due to case management entity (CME) or state error, are eligible for late pay penalty fees. The PSW must submit a request for penalty fees to the Oregon Home Care Commission (OHCC) using the [Customer Relations Late/Partial Request Form](#)* (online) within 60 days of the pay processing date when the funds should have been paid. If PSWs do not submit the request via OHCC’s online form within 60 calendar days of the pay processing date, they will not be eligible for late/partial pay penalty fees.

Penalties for late and partial payments is \$20/day beginning on the date the request for penalty fees are submitted using the OHCC online form through the date the late or partial payment is processed.

After the 3rd day if the provider’s gross missed payment is \$60 or less, they won’t be eligible for additional fees unless:

1. The provider experienced an additional late or partial payment occurrence within one rolling calendar year
2. The OHCC took longer than 60 calendar days to verify the claim
3. The State took longer than 60 calendar days to pay the penalty fees from the date of verification.

Penalty fees are capped at the PSW's missing gross payment when the PSW hasn't been late or incompletely paid for more than one year. If a PSW is incorrectly paid again within a year of the first time, there is no limit to the \$20/day penalty pay when the request for penalty pay is submitted within 60 days of the pay processing date for which payment was late or incorrect.

An occurrence is now defined as a payment and/or overtime/mileage payment that pertains to one pay period. This used to be based on each consumer for whom the payment was late or partially paid.

Differentials (Article 14.2, Section 3):

A new differential was introduced for PSWs who have First Aid and CPR training for an additional \$0.25/hr. This can only be combined with the CIIS and Job Coaching differentials.

The Professional Development Certification differential increased to \$0.75/hr and includes additional training on Preventing and Reporting Incidents.

Legacy PSWs are eligible for all differentials.

The [PSW Differentials and Non-Standard Rates Worker Guide](#) is updated to reflect these changes.

Differential	Amount	Combinable?	Requires service recipient eligibility
CPR / First Aid	\$0.25/hr	Yes, with CIIS and Job Coaching	No
Professional Development Certification (PDC)	\$0.75/hr	Yes, with Enhanced, Exceptional , CIIS and Job Coaching	No
Enhanced	\$1.00/hr	Yes, with PDC and Job Coaching	Yes (ONA)
Exceptional	\$3.00/hr	Yes, with Job Coaching	Yes (ONA and 20 hours of awake care per day)

CIIS	\$2.00/hr	Yes, with CPR/First Aid or PDC (the highest applicable)	Yes, enrolled in CIIS
Job Coaching	\$2.50/hr	Yes, with CPR/First Aid, PDC, Enhanced or Exceptional (the highest applicable)	No

Changes to differential rates will be made by the eXPRS team. Please do not enter the new rate manually. Look for additional information and guidance on the rate changes from eXPRS.

Changes to eligibility of the person receiving services for Enhanced or Exceptional criteria continue to follow the [Enhanced/Exceptional Supports Status and Rates](#)

Holidays (New Article):

PSWs who work on the following holidays will be paid time and a half for up to 8 hours worked. CMEs do not need to take any action, PSWs will be paid for the holiday portion of their pay on the same schedule as overtime.

- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Administrative time (Letter of Agreement):

Starting July 1, 2025, PSWs will be compensated for 15 minutes of administrative time per pay period to complete timesheets and other documentation required for their employment. This will not require any work to be completed by CMEs in eXPRS.

Renewal Reminder:

PSWs can submit their renewal paperwork for background checks and Provider Enrollment Application and Agreements (PEAAs) up to 120 days prior to their expiration. CMEs must accept renewal paperwork for processing when submitted up to 120 days prior to the expiration.

Language Access (New Article):

PSWs must be given information about their credentials in their preferred language. PSW language is not currently collected in eXPRS or other data systems. ODDS has created an insert for ODDS generated notices that includes instructions in multiple languages to allow PSWs to get language

services to translate the information that has been sent to the PSW about their credentials.

Provider Service Agreements are part of the ISP and must be translated into the PSWs preferred language for the benefit for the individual receiving services.

Health and Safety (Article 20)

Employers are responsible for maintaining a safe working environment for their PSWs.

When a PSW reports a safety issue to a CME, the CME should direct the PSW to report the issue to [OHCC Customer Relations Request Form](#) or by phone at 877-624-6080. The PSW may also call the Member Assistance Center at 844-503-7348 for assistance in completing the form.

CMEs must follow current rules related to monitoring services and responding to serious incidents to address reported safety issues. This may include intervention or removal of an employer that fails to maintain a safe workplace for their PSWs. See 411-375-0055 for more information.

Choice advising (LOA):

CMEs must provide neutral choice advising to individuals about their options of providers for in-home services. CMEs must include information about the resources available to PSW's employers when informing individuals of their options for in-home providers. This information must include that employers can use the Carina matching service to advertise for and match with prospective PSWs. It must also include that the Employer Resource Connections program is available to assist the employer in managing their role as an employer.

CME training:

ODDS has agreed to train CMEs about the policy and processes related to PSWs.

Look for training in 2024 about:

- CME responsibilities in responding to pay issues (Article 8, Section 4)
- CME responsibilities for responding to issues related to unsafe work environments (Article 20, Section 1).
- CME responsibilities in providing neutral choice advising including providing information about the supports available for employers such as Carina and the Employer Resource Connections (LOA).

Service animals (Letter of Agreement):

ODDS, APD, and OHA will research available options to allow payment for the daily care for service animals.

Training/communication plan:

CME CBA Training

ODDS will be hosting a webinar on TBA. This training will include information about the changes to the CBA and CME responsibilities related to choice counseling, pay issues and reports of unsafe work environments.

Timeline of changes and implementation:

Upon ratification (effective immediately):

- Changes to late pay and partial penalty process.
- Neutral choice advising about in-home providers required.

January 1, 2024

- PSWs can work up to 60 hours per week without an exception.
- Language access, information for PSWs about their credentials are provided in the PSW's preferred language.
- COLA for all PSWs, including legacy PSWs. Base rate is \$19.50/hr.*
- Legacy PSWs are eligible for all differentials.
- Professional Development Certification Differential increase (\$0.75/hr)
- Relief care rate increase to \$312/day.*
- Memorial and Labor Day holidays added for holiday pay.

January 16, 2024

- CPR/First Aid Differential available (\$0.25/hr)

Prior to February 17, 2025

- Training to CMEs about responsibilities related to choice counseling, late pay and safety issues.*
- Late pay information on remittance advice for PSWs.

July, 1 2024

- Step based pay scale implementation.*

January 1, 2025

- State will research options for service animal care.*

July 1, 2025

- PSWs will be compensated for 15 minutes of administrative time per pay period.*
- Pay processing days that fall on a weekend/holiday will be moved to the prior business day.*

*Additional guidance for CMEs will be available.

Training/communication plan:

This transmittal will be discussed during the next Monthly Transmittal Review. Please send questions in advance to ODDS.Questions@odhsoha.oregon.gov.

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@odhsoha.oregon.gov at least three business days prior to the meeting.

Field/stakeholder review: Yes No

If yes, reviewed by: Engagement and Innovation Website

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): Chrissy Fuchs, Policy Specialist

Email: chrissy.fuchs@odhs.oregon.gov