

1 Letter of Agreement: FLSA Implementation

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3 SECTION – WORK WEEK.

4 The regular work week shall consist of a forty (40) hour work week. The work week shall be
5 defined as 12:00am Sunday through 11:59pm Saturday.

6 SECTION - OVERTIME.

7 Retroactive to January 1, 2016 HCWs/PSWs shall be paid at a rate of time and a half (1 ½) of
8 her/his hourly wage rate for all hours authorized and paid in excess of forty (40) hours per week.

9 For workers with multiple hourly rates, overtime shall be paid at a rate of time and a half (1 ½) of
10 their weighted hourly average wage.

11 Overtime payments will be processed no later than thirty-six (36) days after a HCW/PSW has
12 properly submitted their voucher and/or timesheet.

13 All retroactive overtime payments back to January 1, 2016 will be issued no later than
14 September 30, 2016.

15 SECTION - NEW HOMECARE AND PERSONAL SUPPORT WORKERS' HOURS
16 LIMITATION.

17 HCWs/PSWs newly authorized to work on or after June 1, 2016, shall have an hours limitation
18 where hours worked shall not exceed forty (40) hours per week beginning September 1, 2016.

19 Consumer/Employers may be granted exceptions to this hour's limitation for HCWs/PSWs by
20 DHS/OHA, or designee, due to workforce shortages or to meet other service needs of the
21 consumer. Irrespective of the above language, a HCW/PSW may not work more hours than
22 they are authorized, except in emergency situations to meet the needs of the Consumer as
23 outlined in Article 14 (a).

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SECTION - CURRENT HOMECARE AND PERSONAL SUPPORT WORKERS' HOURS
LIMITATION.

HCWs/PSWs authorized to work before June 1, 2016 shall have an hour's limitation as defined below. Consumer/Employers may be granted exceptions to the below hour's limitations for HCWs/PSWs by DHS/OHA, or designee. The worker's average paid weekly hours in the months of March, April and May shall be used to determine subsections (a-c).

- a) All HCWs/PSWs working more than 50 hours per week, will have a 50 hour cap applied when the first consumer's reassessment or renewal occurs between September 1, 2016 and no later than June 30, 2017. This section shall apply irrespective of starting with a new Consumer/Employer.
- b) HCWs/PSWs working less than fifty (50) hours, but more than forty (40) hours, per week shall be limited to no more than fifty (50) hours per week. This section shall apply irrespective of starting with a new Consumer/Employer.
- c) HCWs/PSWs working less than forty (40) hours, per week shall be capped at forty (40) hours per week.
- d) Live-in workers moved to the hourly program shall be limited to no more than fifty (50) hours per week.
- e) Irrespective of the above language, a HCW/PSW may not work more hours than authorized, except in emergency situations to meet the needs of the Consumer as outlined in Article 14 (a).
- f) All hours worked include hourly, travel time, live-in and relief care hours.

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Stipend for Required Training

If a worker is required to attend a training, by DHS/OHA, and based on the Consumer’s care plan, including but not limited to the Oregon Intervention System (OIS) training, the worker shall receive the OHCC training hourly stipend.

SECTION – RELIEF CARE

- a.) Payment to a Relief Worker providing hourly respite shall continue to be paid at the worker’s applicable hourly rate.
- b.) Effective September 1, 2016, all relief care hours provided in a 24 hour block will be paid at eleven (11) dollars per hour. Relief care providers will be paid at least sixteen (16) hours per day and may receive up to three (3) hours per twenty-four (24) hour period for direct care provided during the consumer’s normal sleep schedule. Relief Providers may be paid for more than nineteen (19) hours a day only in emergency situations. Providers will be paid in fifteen (15) minute increments for services provided during the Consumer/Employer’s normal sleep hours.