



# The 3 IHSS overtime exemptions you should know

UDW fought hard to win overtime exemptions for IHSS providers who serve clients with extraordinary needs. Read more to see if you qualify.

## The IHSS Extraordinary Circumstances Exemption

I should apply for this exemption if I have at least two IHSS clients whose circumstances would place them at serious risk if I could not provide care beyond the 66 hour workweek limit, and at least ONE of the following situations applies to me:

- 1 My clients have complex medical and/or behavioral needs that must be met by a provider who lives in the same home or else it would put them at risk of being forced to leave in-home care for an institution; **OR**
- 2 My clients live in a rural or remote area where there is no other available provider; **OR**
- 3 My clients live in an area where there is no other provider who speaks the same language in order to direct his/her own care.

**IMPORTANT:** If #2 and/or #3 apply, you **do not** have to be a live-in provider to qualify for the exemption.

### How does the Extraordinary Circumstances Exemption work?

Providers who are approved for this exemption will be allowed to work up to 90 hours per workweek, and no more than 360 hours per month combined for all of their IHSS clients.

### How do I apply for the Extraordinary Circumstances Exemption?

- Ask the social worker to complete and submit the IHSS Program Exemption from Workweek Limits for Extraordinary Circumstances Referral Justification form (APD 005).
- The county then has 15 business days to review the APD 005 before sending it to CDSS, and CDSS will have 15 business days to review and determine approval or denial.
- During this 30 business day process, you will have a grace period where you are not subject to violations.
- For questions about your exemption application, please call CDSS at 916-551-1011. If you did not receive APD 005 but believe you qualify for this exemption, please call UDW for assistance.

For information on all IHSS overtime exemptions, visit [www.udwa.org/timesheets](http://www.udwa.org/timesheets) or contact UDW at 1-800-621-5016.

## Live-In Family Care Provider Exemption

**I should apply for this exemption if ALL of the following describe my relationship with my IHSS recipients:**

- I provide IHSS services to two or more recipients.
- I live with all of my IHSS recipients.
- I am the parent, stepparent, adoptive parent or grandparent, or legal guardian of my IHSS recipients.

### How does the family exemption work?

Providers who met these conditions as of January 31, 2016 and are approved for the exemption will be allowed to work up to 90 hours per workweek, and no more than 360 hours per month.

### How do I apply for the family exemption?

If you qualify, you should have received the SOC 2279 In-Home Supportive Services (IHSS) Program Live-In Family Care Provider Overtime Exemption form in the mail. Fully complete, sign, and return the form to the California Department of Social Services to apply for the exemption.

For questions about family exemptions, please call CDSS at 916-551-1011. If you did not receive SOC 2279 but believe you qualify for this exemption please call UDW for assistance.

## Exemptions for Waiver Personal Care Services (WPCS)

### Exemption for IHSS providers who provide Waiver Personal Care Services (WPCS)

You may qualify if you met at least one of the three following criteria on or before January 31, 2016: if you live with your waiver participant, have provided her/him care for two years, OR the participant is unable to find another provider. The Department of Health Care Services will allow providers who qualify to work up to 12 hours per day or 360 hours per month of WPCS and IHSS combined.

### How do I apply for the Waiver Personal Care Services exemption?

You must request the DHCS 2279 Workweek Exemption for WPCS Care Providers form from your recipient's In-Home Operations (IHO) Nurse. The form will be mailed to you. Fully complete, sign, and return the form to the IHO address located on the form. IHO will determine approval or denial and mail a notice to you and your recipient.

For questions about the waiver exemption, please call 916-445-4611 or email [IHOWaiver@dhcs.ca.gov](mailto:IHOWaiver@dhcs.ca.gov). If you were not approved for the exemption but believe you qualify, please call UDW for assistance.

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