**Overtime and Travel Time**

**Fact Sheet for Individual Providers**

1. **When is overtime paid and how is it calculated?**
2. Overtime is paid when you work more than 40 hours in a work week.
3. The work week begins at 12:00 am on Sunday and ends at 11:59 pm on Saturday.
4. Multiply your hourly rate times 1.5 to calculate your hourly overtime pay rate.

*Example.*

*If you worked 45 hours in a work week, your pay would be*

* *$400 for the first 40 hours you worked ($10 x 40 hours = $400),*

 *plus*

* *$75 for 5 hours of overtime ($15 x 5 hours = $75).*

*Your total pay would be $475 ($400 +$75 = $475)*

1. **Can I work more than 40 hours in a work week?**
2. You may not work more than 40 service hours in a work week unless approval has been given by DSHS; or
3. Your work week limit is greater than 40.
4. **What is my work week limit?**
	1. You may not work more than 40 service hours in a work week unless you have been assigned a higher work week limit by DSHS.
	2. Your work week limit will be greater than 40 hours if the average number of weekly service hours you worked in January of 2016 was greater than 40, or if you appealed your work week limit based on January hours and you were assigned a higher work week limit based on the number of hours you worked in February and March of 2016.

*Example:*

*Karen was paid for 225 monthly service hours in January 2016. Her work week limit is 52 hours. 225 ÷ 4.33=51.96, rounded to nearest quarter hour = 52*

*In this scenario, Karen may work up to 52 service hours, which includes 12 overtime hours in any work week. The total service hours Karen would work in a month could not exceed the client(s) monthly hours, without approval by the department. Fifty-two hours will be Karen’s work week limit as long as she is contracted by the department*.

* 1. DSHS will notify you of your work week limit.
	2. You may only work up to your work week limit when those hours have been assigned to you one or more clients.
	3. If your work week limit is between 40 and 60 hours per week, your work week limit will not change as long as you remain qualified to be paid as an IP.
	4. If your work week limit is more than 60 hours, it will reduce to 60 hours on July 1, 2017. This is required by Washington State statute.
1. **What services are make up the service hours in my work week limit?**
2. Personal care
3. Relief Care
4. Skills Acquisition training
5. Respite care
6. **Does my work week limit apply to travel time, DSHS required training, or Paid Time Off?**
7. No. Hours spent on travel time, DSHS required training or paid time off are not included in your work week limit.
8. **Will I be paid overtime for** **travel time, DSHS required training, or Paid Time Off?**
9. Travel time and DSHS required training are eligible for overtime if total hours worked are over 40 in a work week.
10. Paid Time Off hours are not considered as hours worked, so they are never eligible for overtime payment.
11. **When will DSHS give me approval to work more than 40 hours in a work week?**
12. When DSHS has given approval to the client you work for to assign you more than 40 hours in a work week; or
13. When you have been notified by DSHS that your work week limit is greater than 40. In this case, you may work up to your work week limit if the client(s) for whom you work assign that number of hours to you. The client may not assign more than the monthly hours in their Plan of Care.
14. **What should I do if I have worked all the hours in my work week limit and I need to stay with the client because there is a risk to the client’s health or safety?**
15. Stay with the client until the situation is safe and stable.
16. If there is an emergency that requires emergency medical services, contact 9-1-1.
17. Assist the client to arrange for back up assistance.
18. End your work day as soon as it is safe to do so.
19. Contact the case manager the next business day to explain.
20. **What should I do if I work for more than one client?**
21. You must manage all your work week service hours within your work week limit. Your limit is 40 hours unless you have been notified by DSHS that you have been assigned a higher work week limit.
22. You must tell the clients for whom you work, that you cannot accept assignments that, in total, would exceed your work week limit.
23. You must not accept assignments that will cause you to work more than your work week limit or would cause you to work additional hours of overtime in the month, except as described in question #10.
24. **When can I accept hours assigned to me by one or more clients** **that are more than my work week limit?**
25. The hours are requested by the client to meet a specific need; and
26. Working the additional hours would not exceed the client’s monthly authorized hours; and
27. The total number of monthly service hours for which you would be eligible for overtime would not be more than total monthly overtime hours you would receive if you worked up to your work week limit every week of the calendar month;
	1. The amount of monthly overtime hours is calculated by subtracting forty hours from your work week limit and then by multiplying the result by 4.33 and rounding to the nearest quarter hour; and
28. The use of more service hours in a given week will not result in the client(s) going without essential care in other weeks of the month.

*Example:*

*Jose’s work week limit is 46 hours. The amount of monthly overtime that Jose can work is 26 hours. Calculation: 46 – 40 = 6 x 4.33 = 25.98 rounded to nearest quarter hour is 26. The client Jose works for needs him to work a flexible schedule throughout the month, which Jose can do as long as he does not work more than 26 hours of overtime during the client’s month of service; or*

1. The client you work for is purchasing extra overtime hours with their New Freedom or Veteran Directed Homecare Services budgets.
2. **What should I do if the client wants to schedule me to work more hours than I have available in my work week limit?**
3. Explain that you are not permitted to work more than your work week limit and that doing so would be considered excess claiming.
4. Do not accept assignments that will cause you to work more than your work week limit.
5. Encourage the client to use an additional provider.
6. Encourage the client to contact his/her case manager if the client has a difficult time understanding your limit or can’t find an additional provider.
7. **What is travel time?**
8. Travel time is the direct one way travel time from one worksite to another in the same workday.
9. Direct one way travel is the amount of time it takes to travel the most direct route between two specific worksites on the same day.
10. Travel time is not counted in your weekly service hour limit.
11. **What is a work site?**
	1. A worksite is the location where you provide authorized care to a department client or attend a DSHS required training. Your residence is not a worksite for the purposes of travel time, whether or not the client also lives there.
12. **What will not be paid as travel time?**
	1. Travel between your home and a worksite;
	2. Travel between your home, when you live with the client, and another worksite;
	3. Travel between more than one worksite when the travel occurs on different work days;
	4. Travel to or from required training when the starting or ending point is the IP’s own home;
	5. Travel to or from voluntary training or peer mentoring;
	6. Any personal time you use between worksites; and
	7. Travel that occurs during any period of time when you are already being paid to provide department authorized personal care, skills acquisition training, and DDA or RCL respite services.
13. **What are my travel time limits?**
	1. You may not accept assignments that would cause you to travel more than 60 minutes between work sites or claim more than 7 hours of travel time per work week.
14. **How will I be authorized and paid for travel time?**
	1. You must ask the Department in advance for approval and authorization to provide planned travel time.
	2. The amount of time you request must be reasonable and must be verifiable using an on-line mapping tool.
	3. You will be paid for the actual time (rounded to the nearest fifteen minutes) that it took to travel directly between worksites during each work day. Round this number.
	4. . If you make more than one trip in a day, the direct travel times will be added together and rounded once each day to the nearest fifteen minutes.
	5. Your monthly eligible travel time will be added together for the month and authorized for payment.
	6. You may bill only for actual time traveled.
15. **What is excess claiming?**
16. Excess claiming occurs when:
	* 1. You claim more service hours in a month than you are authorized to provide; or
		2. The total number of service hours you worked over forty for each work week in a calendar month exceeded the amount of overtime you would have received if you worked your work week limit every week of the calendar month; or
		3. You claimed travel time in excess of the hours you were authorized to provide in a work week.
17. Before deciding that excess claiming has occurred, the case manager will talk to you and the client where necessary to see if there were reasons that the excess hours should be approved.
18. **What are the consequences for excess claiming?**
19. On the first occasion, you will receive a written notice and information from DSHS. The notice will also be sent to the client(s) for whom you work.
20. On the second occasion, you will receive a written notice and information from DSHS. The notice will also be sent to the client(s) for whom you work. The client’s case manager will make two attempts to reach you by phone and will answer any questions you have about managing your hours within your work week or travel time limits.
21. On the third occasion, your contract will be terminated and you must wait 90 days to reapply for a new contract.
22. If you significantly or repeatedly exceed your work week or travel limits the department may terminate your contract for default and refuse to re-contract with you.
23. **If I have worked all the hours in my work week limit and I need to stay with the client because there is a risk to the client’s health or safety, will this be considered excess claiming?**
24. The client’s case manager will review this situation to verify that the concern for the client’s health or safety was reasonable, meaning:
	* 1. The client’s need for additional hours could not have been anticipated;
		2. The client’s need was immediate and could not wait until a backup care giver arrived; and
		3. The additional hours were needed to ensure the health or safety of the client.
25. The case manager will verify that you notified her/him within one business day.
26. If the concern was reasonable and the proper notification was given to the case manager, this will not be considered excess claiming.