Overtime Pay for IP’s: FLSA Finally Takes Effect

The PA Responds to New Regulations and Their Impact

New federal Fair Labor Standards Act (FLSA) regulations took effect February 1, 2016. Due to these particular set of regulations, home care workers, including IHSS providers, now qualify for much deserved overtime pay, among other benefits. However, Governor Jerry Brown, in what was described as a cost-savings move, capped the number of hours a week a provider can work at 66, plus 7 hours travel time.

However, the 66-hour cap applies only to those providers who work for more than one consumer. For a consumer with only one provider where that provider works solely for them, the maximum weekly hours will be the consumer’s monthly authorized hours divided by four.

Some good news for family providers is that the IHSS program has created a family-member exemption (“Live-In Family Care Provider”) to the 66-hour maximum to allow them to work up to 90 hours per week and up to a maximum of 360 hours a month. To be eligible for this exemption, you must provide IHSS services to two or more IHSS recipients; currently live in the same house as those IHSS recipients; and be related to those recipients, either as a parent, stepparent, adoptive parent, grandparent or legal guardian.

Although the majority of IHSS consumers will not be adversely affected, the Governor’s cap will very likely cause problems for those higher needs consumers with a maximum number (or close to it) of allotted hours. They might suddenly find themselves in a situation where they need to hire more providers or get emergency (On-Call) help to fill service gaps—or both.

Public Authority’s Approach

One consequence of the implementation of the new FLSA rules is the need for a larger pool of both regular and On-Call providers. The PA Registry is looking to boost its overall number of active workers, Registry and On-Call combined, to over 700. To accomplish this, Programs Manager María A. Olivares has targeted/contacted 22 different placement

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Letter from the Director

Secrets Exposed

A few weeks ago, I ran into a friend I hadn’t seen in a while. As is usual in these types of meetings, we started talking about our careers and what we have been doing. After I told her a bit about the Public Authority, she said, “Wow! That is the best kept secret. I’ve never heard of the Public Authority.” That got me to thinking about all we do here—and how we are relaying that information to the general public.

Internally, we are busy recruiting providers for our Registry and On-Call services in preparation for consumers who will need more providers as a result of the implementation of the Fair Labor Standards Act (FLSA). We are also actively recruiting mentors for our Mentorship Program, as the program is growing to include FLSA training of consumers, working with consumers who are being discharged from Laguna Honda, mentoring consumers who are having difficulty hiring a provider, and coaching of providers who complete their timesheets or travel timesheets incorrectly.

As a result of our continued relationship with the University of San Francisco, we are fortunate to have four interns this semester. Three of the interns are pursuing their bachelor’s degree in Health Services, and one of the interns is pursuing her Master of Science in Behavioral Health. The interns, through their research, interviews, focus groups and knowledge, are looking at various aspects of our work to ensure that we are using best practices and keeping the consumers at the center of our work.

Externally, we are maintaining our old and developing new relationships to further the mission of the Public Authority to maximize the potential of older adults and people with disabilities to live independently. When visiting our office, you might notice more activity; Homebridge (the organization that employs providers to provide home care to those who want to live at home but aren’t able to employ their own workers) is using our training room several times per week to provide training for providers. This is helpful for us, as our Registry and On-Call providers can now receive training on-site.

Secondly, I continue my work with the Human Services Network, an association of about 80 community-based nonprofit agencies dedicated to addressing issues critical to the health and human services sector of San Francisco. We recently hosted a New Realities Forum, and I moderated a discussion addressing the issues of recruitment and retention of qualified employees in this sector given the cost of living in the Bay Area and the rate of pay associated with these positions. It was a lively discussion.

I also continue to sit on the Long Term Care Coordinating Council. I am a member of the LTCCC Palliative Care Workgroup, hoping to bring knowledge and resources to the larger community about what it means and how we can educate the public on planning for their care as they age. In fact, we are hosting a workshop on this issue in March at San Francisco State University.

Lastly, I continue to partner with both Senior & Disability Action and the Community Alliance of Disability Agencies to advocate and inform around issues affecting the disabled and senior populations. This is all to say that the Public Authority continues to provide services for low-income seniors and people with disabilities who wish to live independently and to share our vision with other agencies serving similar populations.

— Kelly Dearman
The Public Authority Governing Body determines policy and makes legally binding decisions on the Authority’s behalf. Its members are both older (55+) and younger consumers, public agency representatives, a worker representative and a union representative.

Melvin Beetle
Older Consumer

Mike Boyd
Older Consumer

Luis Calderon
Younger Consumer

Judith Karshmer
DPH Commissioner

Tatiana Kostanian
MDC Representative

Kenzi Robi
Younger Consumer

Rita Semel
DHS Commissioner

Gustavo Seriñá
DAAS Commissioner

Patricia Webb
Younger Consumer

Patricia Wooley
Worker Representative

(Vice President)

(President)

(Treasurer)

(Secretary)

(Note: Dept. of Aging & Adult Services = DAAS, Dept. of Human Services = DHS, Dept. of Public Health = DPH, Mayor’s Disability Council = MDC)

The Public Authority’s executive, administrative, operations and program staff: operate the Central Registry, manage fiscal affairs, monitor state and local policy affecting IHSS, and collaborate with other organizations to improve IHSS for consumers and workers, especially in San Francisco.

Shelia J. Auzenne
Support Services/On-Call Counselor

William Chan
Support Services/On-Call Counselor

Loc Chau
Fiscal & Operations Manager

Yvonne Cunningham
Administrative Coordinator

Kelly Dearman
Executive Director

Vladimir Etalis
Support Services/On-Call Counselor

Eren Gutierrez
Support Services/On-Call Counselor

Patrick Hoctel
Executive Assistant

Betty Hom
Receptionist/Admin. Support

Melanie Huang
Senior Human Resources Generalist

Poni Ma
DOJ Documents Technician

Ophelia Ng
Benefits Coordinator

María A. Olivares
Programs Manager

Emilio Ramirez
Support Services/On-Call Counselor

Tomiko Russell
Laguna Honda Project Liaison

Irina Selskaya
On-Call Program Coordinator/Support Services Counselor

Jingle Tang
Support Services/On-Call Counselor
agencies as independent provider (IP) recruitment sites and eight for On-Call emergency worker recruitment sites. In addition, recruitment flyers and other outreach literature are being developed, such as a postcard mailer to approximately 1,000 family providers who might be interested in and available to take on other consumers.

Another strategy to widen our pool is to increase the number of open application periods for prospective new providers and hold group sessions, where workers and applications can be processed more quickly. With an increase in numbers, the Registry can draw on its provider pool to make sure those consumers who need providers to work hours previously worked by their primary providers are covered. The Registry will help those consumers to find a back-up IP, so they are never left without assistance, and those consumers who do find themselves in an emergency situation can receive On-Call aid as soon as possible. A recommendation worth investigating from a longtime board member was to create a “standby pool” of workers, wherein IP’s would be paid to be available to work and not take other jobs in the meantime.

Leadership Role

The PA’s Mentorship Program is taking on a leadership role in effectively translating for consumers the FLSA regulations and the resulting changes, especially how to handle such items as getting county approval for adjusting weekly authorized hours and dealing with (and hopefully avoiding) their providers’ violations. A video from the California Department of Social Services (CDSS) will also be used as a training tool to teach consumers and providers about these changes and what they mean for them.

Starting in mid-March, the PA will have ongoing trainings for consumers on these changes and other related items on a daily basis at our office. The mentors will be conducting these trainings. (Homebridge Training has been tasked with training providers, but they are always welcome at the PA.) The PA and Homebridge are also collaborating on some joint trainings for consumers and providers at the PA. In addition, the mentors will be helping out at the five larger trainings sponsored by the Department of Aging & Adult Services (DAAS) at various locations around San Francisco.
In Memoriam: Joyce Jackson

April 14, 1948 – October 31, 2015

Longtime IHSS Public Authority mentor Joyce Jackson passed away on Halloween. She was 67.

Joyce was a wheelchair user for the last 12 years of her life, but used her experience as a person with a disability to become one of the most respected and valued peer mentors in the PA’s Mentorship Program. Joyce’s knowledge and wherewithal, teaching background and noted sense of humor helped many other people with disabilities make the transition from Laguna Honda Hospital and other facilities back into the community.

In addition to her work as a mentor, Joyce was an accomplished and celebrated flutist. She was an alumnus of the San Francisco Music Conservatory, Cleveland Institute of Music and Juillard Music School. She was a protégé of world-renowned flutist, Julius Baker, one of his select “Baker’s Dozen.” During her time in New York, Joyce played with the Harlem Philharmonic Orchestra and the Brooklyn Philharmonic with Philip Foss. After touring Europe, she continued teaching throughout her last orchestral involvement with the San Francisco Chamber Orchestra.

When Joyce could no longer play the flute, her love of popular song writing and composition led her to write children’s stories, poetry, prose and, later, to paint beautiful watercolors. She was an active and respected member of the TODCO Poets Group. As was remarked upon at a memorial for Joyce at the San Francisco Culture Center of Nichiren Buddhists in January, “Through her Buddhist practice, she drew on her own indomitable spirit to create, living with courage, dignity and compassion demonstrated in her life and death.” Or, as Joyce wrote in one of her poems, “I will cross the bridge to happiness/ Spread my wings to take the sky/For I am the Phoenix/And from the ashes, I arise!”

There will be a three-month grace period after February 1st, during which time providers will not be penalized for mistakes. However, providers will not be notified if they do make errors. Workers will start to be “charged” for violations in May. (Consumers will not be penalized for errors.)

During the grace period, the State will send a list of violators to the City and County. That list will be forwarded to the PA. Our mentors will then retrain those providers who made mistakes during those three months, coaching them on to how to correct their errors moving forward. These trainings may continue for as long as a year.

For more information about the PA trainings, please call our main line (415-243-4477) and ask for the Mentorship Program. For information about the FLSA regulations, please call 415-557-6200 and listen to the message after selecting the language of your choice. For questions about overtime, travel time or timesheet violations, press 4.
What We Do...We Do for You!

The San Francisco IHSS Public Authority Provides Seven Major Services:

- **We operate a Registry** that matches IHSS independent providers (IP’s) of home and personal care services looking for work with consumers who need to hire someone to assist them. Due to recent Fair Labor Standards Act (FLSA) regulations, particularly those regarding an overtime cap, the Registry had to be able to cover those situations where a consumer needed to hire another provider to cover hours previously worked by the consumer’s primary IP. In our expanded role, we now assist consumers in finding a back-up IP to ensure there are no service gaps.

- **Our On-Call Program** provides immediate assistance to consumers referred to us by the Department of Aging & Adult Services (DAAS) and Homebridge (formerly the Consortium). These consumers are either in urgent need of personal care when they suddenly need a worker but haven’t yet hired one, their regular provider is not available, or when they’re discharged from the hospital or some other facility without anyone scheduled to help them make the transition back to their own residence. On-Call is vital in helping consumers in crisis remain at home and avoid hospital stays.

- **We are the “employer of record”** for the IP workforce and have a union contract with SEIU Local 2015. This means that we are formally appointed to negotiate wages and benefits with the union that represents our IP’s.

- **As of December 31, 2015,** we offered benefits to **17,919 IP’s** through our health and dental plans. (Note: Not every IP works long enough to qualify for benefits.) Currently, **11,437 IP’s** are enrolled in our health plan and **9,992** in our dental; of these, **8,464** are enrolled in both health and dental. Our Benefits Coordinator handles on average over **520** calls and requests a month relating to Coverage, Eligibility Status, Enrollment, Insurance Cards, Termination Service, Reinstatement and other services for IP health and dental benefits.

- **As part of a criminal background check,** all current and prospective IP’s must be fingerprinted by the Department of Justice (DOJ) as a condition of employment. The PA’s DOJ Documents Technician tracks IP’s with current convictions to assess whether they are eligible to work for IHSS. In addition, our Technician runs a monthly report for the State that confirms each provider’s status in the system, then sends out notices to the IP’s. From November 1, 2014 through December 31, 2015, **5,408** Notice to Provider of Inactivity letters were mailed; of these, **929** IP’s requested to remain active.

- **We educate** the community and various policymakers (e.g., Board of Supervisors, state legislators) about IHSS and consumer-directed services and advocate for consumers, their workers and related causes.

- **The Mentorship Program** runs the Public Authority’s One-Stop Center, where older adults, people with disabilities and their workers can come for on-site workshops and trainings that will increase their knowledge and improve their quality of life. In addition to providing all of the FLSA training for consumers, various workshops cover nutrition and health, living on a budget, public transportation and communicating with your provider. The Mentorship Program also offers a program for residents transferring out of the Laguna Honda Rehabilitation Center and back to the community. Lastly, working with the Registry, mentors also assist IHSS consumers in hiring providers.

**Outreach & Education:**

- **Worker trainings and workshops.** The Public Authority has cooperated with DAAS and Homebridge Training (formerly TAPCA) on the creation of a training program for IHSS
providers. We partner with Homebridge Training on the development of trainings and workshops that enhance the skills of our Registry providers to ensure that our consumers receive the very best in home care. All Registry providers are now required to participate in Homebridge trainings to join or remain active on the Registry.

- **Meetings with policymakers.** The Public Authority staff and board meet with federal, state and local policymakers and legislators, including the Board of Supervisors, state assembly members and senators to update them on the agency’s work as well as advocate for funding and various reforms and improvements.

- **Media outreach.** As part of our campaign to familiarize the public with the work of public authorities and their importance, we try to educate through the media.

- **Conferences and other forums.** Over the years, as important issues have arisen, we have held conferences and other such events to address them: a series of *Where there’s a Will, there’s a Way* conferences for consumers and workers, consumer forum luncheons, a worker appreciation celebration, *got Rights? Fulfilling the Promise of Human and Civil Rights for People with Disabilities* forum, the *IHSS Under Pressure: Community Living at Risk* and *IHSS: Into the Future - Advancing Disability Rights* conferences, and in 2015, the PA’s 20th anniversary open house and co-sponsorship of the ADA’s 25th anniversary celebration at City Hall. For more information, please contact the Public Authority at 415-243-4477 (TTY: 415-243-4430), visit our website at www.sfihsspa.org or check out our Facebook page (www.facebook.com/sfihsspa).

The mission of San Francisco’s IHSS Public Authority is to provide and promote a service delivery model of consumer-directed in-home support that maximizes the potential of older adults and people with disabilities to live independently and participate in their communities.

Public Authority Staff — Back row (l to r): Ophelia Ng, Betty Hom, Vladimir Etalis, Jingle Tang, Patrick Hoctel, Shelia J. Auzenne and Eren Gutierrez. Middle row (l to r): Loc Chau, William Chan, Yvonne Cunningham, María A. Olivares, Melanie Huang and Tomiko Russell. Seated: Poni Ma, Emilio Ramirez, Kelly Dearman and Irina Selskaya.