

Overtime Violations

A violation will be incurred whenever an IHSS provider exceeds the workweek or travel time limitations.

An IHSS provider will receive a violation if:

- He/she works more than 40 hours in a workweek for a recipient without receiving county approval when the recipient's maximum weekly hours are 40 or less;
- He/she works more hours in a workweek for a recipient than the recipient's maximum weekly hours causing the provider to work more overtime hours in a month than he/she normally works without receiving county approval;
- He/she works more than the maximum weekly limit of 66 hours when working for multiple recipients;
- He/she claims more than seven (7) hours of travel time in a workweek.

Initial (first) Violation: After a provider violates the limitations for the first time, a violation notice will be mailed to both the recipient(s) and provider. A dispute form is included with the providers notice. The dispute form must be returned to the county within 10 calendar days for county review.

Second Violation: If the provider incurs a second violation, he/she will be offered a one-time opportunity to complete the voluntary instructional materials review related to the workweek and travel time limitations and sign a certification form stating that he/she understands and agrees to the requirements.

If, after having the violation rescinded by reviewing the voluntary instructional review materials, the provider violates the workweek and/or travel time limitations again, he/she will receive a second violation with no opportunity to review the voluntary instructional review materials again.

Third Violation: If the provider incurs a third violation, he/she will be suspended for 90 days and be ineligible to work or be paid through the IHSS program. The provider has the option to request a county review of this violation.

Fourth Violation: If the provider incurs a fourth violation, he/she will be terminated and be ineligible to work or be paid through the IHSS program for one year. The provider has the option to request a county review of this violation.

After the one-year ineligibility has ended, he/she may work and be paid by the IHSS program after completing the provider enrollment process again; including the criminal background check, provider orientation, and completion of all required forms.

Reduction of Violations: The violations will add up over the course of the provider's employment as an IHSS provider. However, if after receiving a violation, the provider does not receive another violation for one year, the number of violations he/she has received will be reduced by one.