

To: All ODDS Staff and Stakeholders

From: ODDS Director Lilia Teninty

Re: Weekly ODDS Status Report, Limit on authorized hours a PSW may work per Individual Support Plan (ISP)

Attached is this week's ODDS status report.

In March I gave you a brief update of where we are with the new Department of Labor (DOL) Regulations. Since then, ODDS and APD have been working diligently with stakeholders to determine our best course of action in regards to these new regulations.

Background: In 2013, the U.S. Department of Labor (DOL) released a final rule related to the Fair Labor Standards Act (FLSA). The rule extended wage and overtime protections to home care workers (HCW's) and personal support workers (PSW's) and required that HCW's and PSW's be paid for their travel between consumers' care settings.

In January 2015, the U.S. District Court Judge in the D.C. Circuit Court overturned significant portions of the regulations from DOL. The Department of Labor has appealed Judge Leon's decision, and has been granted an expedited hearing on the matter. A decision is expected from the court by the end of summer or early fall.

In anticipation of these new regulations, ODDS and APD are implementing a new policy. Starting September 1, 2015, all Personal Support Workers (PSW) new to an individual's service plan are limited to working a maximum of 50 hours per week for each individual. PSWs currently working will be limited to working 50 hours per week for each individual as the individual's service plan is renewed. This new policy does not limit the overall number of hours a PSW is allowed to work for multiple consumers.

There is more detailed information about this new policy change in the "Limit on authorized hours a PSW may work per Individual Support Plan" transmittal number APD-PT-15-021, which is attached and will be posted online on Tuesday. We will also be providing letters to Service Coordinators and Personal Agents to facilitate communicating with PSWs and their employers to notify them of this policy change.

ODDS is working on developing trainings on this new policy as well as Q&A conference calls that will be specific to DD program and providers. We will let you know as soon as we have dates and locations for these trainings and call-ins.

This week ODDS launched a new Supported Employment Services web page. The page contains information for individuals and families who are interested in the different types of employment supports that may be available to them to help them obtain or retain an integrated job in the community. I encourage you to take a look and pass on the information to those who may be interested. You can view the page here: <http://www.oregon.gov/dhs/employment/employment-first/Pages/supported-employment.aspx>.

I have attached our latest FAQ document "Entry to Sheltered Workshops: Policy Changes for July 1, 2015 For Providers, CDDP's and Brokerages." I also want to remind you that we have several FAQ's posted to our staff tools page, <http://www.dhs.state.or.us/spd/tools/dd/cm/>, that can help to answer some of the questions you may have about upcoming policy changes. We are also posting a list of all the sheltered workshop sites in the state to this web page on Monday. This will help to alleviate any confusion about

which facilities provide services in sheltered workshops. The transmittal “No new entry to Sheltered Workshop settings”, which will also be released on Tuesday, will have more information about what the list means.

Transmittals for this week:

- Limit on authorized hours a PSW may work per Individual Support Plan
- No new entry to Sheltered Workshop settings 7/1/2015

Lilia