



## 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, and at least ONE of the following situations applies to me:

- 1 It has been impossible for my IHSS clients to find another provider to work their IHSS hours beyond my 66 hour workweek limit AND they have complex medical and/or behavioral needs that 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.

**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 12 hours per day, and no more than 360 hours per month combined for all of their IHSS clients.

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

- Request it by speaking directly with the county social worker.
- The county then has 15 business days to submit the request to CDSS for review 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 information on all IHSS overtime exemptions, visit [www.udwa.org/timesheets](http://www.udwa.org/timesheets) or contact UDW at 1-800-621-5016.

## The IHSS Categorical 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 categorical exemption work?

Providers who are approved for the exemption will be allowed to work up to 12 hours per day, and no more than 360 hours per month.

### How do I apply for the categorical 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.

## Exemptions for Waiver Personal Care Services (WPCS)

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

You may qualify, 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.

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