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Policy Name: **Homecare Worker Overtime and Policy Changes**
Bill Number: [SF4043 & HF4675](#)
Lead Organization / Individual: **Damon Leivestad**

EXECUTIVE SUMMARY:

Directs the Commissioner of human services directed to expand reimbursement for overtime, overnight asleep services, and consecutive shifts for personal care assistants and community-first services and supports workers.

BACKGROUND:

The homecare shortage makes it incredibly difficult for clients, especially those with complex care hours, to find homecare workers. DHS currently allows services under waiver programs that it doesn't for PCA programs despite the fact that both programs provide the same basic services. Additionally, allowing homecare workers to provide services for longer periods of time would give both workers and clients more flexibility that is already allowed by U.S. and State Labor Laws.

RECOMMENDATIONS & RATIONAL:

- Allow homecare workers to work up to 8 hours of overtime per week per client.
 - Allowing overtime would enable current workers to provide extra care which would help keep clients out of expensive hospitals or long-term care facilities.
- Allow homecare workers to work awake or sleep overnight shifts.
 - DHS already allows for awake or sleep overnight services under [night supervision services](#) for BI, CAC, CADI, and DD waiver services, why not PCA or CFSS?
 - The U.S. Department of Labor / Wage and Hour Division (WHD) – In chapter [31b12c](#) clearly states that **SHIFTS OVER 24 HOURS LONG WITH SLEEP ARE PERMISSIBLE AND PAYABLE** as does the Minnesota Labor and Industry Department [5200.0121](#) Sleeping time and certain other activities.
 - Typically, clients with complex needs can't roll over by themselves and also use some type of overnight respiratory device such as a ventilator or Bi-Pap, thus they need overnight support.
 - Current homecare workers are required to work awake overnight shifts which adds additional barriers to finding workers for these positions.
- Allow homecare workers to work up to 80 hours without overtime or 96 hours with overtime.
 - Due to the home care workforce shortage and the inability to schedule workers more than 24 hours a shift, clients are forced to restrict their life, safety, and travel. People with disabilities have the right to travel out of town for a vacation, the quintessential Minnesota pastime – up north to the cabin, or for any reason they see fit. The biggest barrier preventing home care clients from using PCA hours the way they choose, in accordance with the [Olmstead Act](#), is the right from DHS.
 - Some caregivers may have another job, school, or watch their children during the week so they might want to work every other Friday night to Sunday night, for example, when they don't work at their other job, don't have school, or when their spouse can watch their kids and then they don't need to pay for daycare.

STAKE HOLDERS:

Department of Human Services, Minnesota Management & Budget, Lawmakers, Disability Advocacy Organizations, Homecare Workers, and Homecare Recipients.