

# DC COALITION CONNECTION

November 2016

No 1

## Wage Theft Prevention

Wage Theft Prevention laws were enacted in the District in 2014 requiring local businesses to provide notices of wage policies to employees, to retain records of the precise times that employees worked/wages paid, to ensure payment to employees for hours worked, and to pay overtime at the appropriate level.

Under the present and proposed language of the District's Wage Theft laws, service providers continue to be responsible for paying staff at the prevailing Living Wage even though the District may not have *funded* a reimbursement rate that accounts for the increase, thereby creating a wage payment liability for providers for an occurrence that is *entirely outside of the provider's control*. Unless providers intentionally underpay employees or augment hours worked, any provider liability under Wage Theft laws could *only* arise from the provider being underfunded upon the implementation of an increase in the Living Wage.

On October 26th, Ian Paregol testified before the DC Council COW Subcommittee on Workforce regarding two pending Wage Theft bills B21-120 and B21-711 which would amend the District's Wage Theft laws and impose greater accountability. Coalition testimony focused on the need for the coordinated efforts of DDS, DHCF, and DOES to provide *timely* 1) notice, 2) funding and 3) payment of reimbursement rates that include the Living Wage but do not draw from the other components of the ICF and Waiver rates.

In our testimony - and as a result of meetings with an array of Councilmembers - the Coalition has secured the support of the DC Council in assuring providers that steps will be taken by the District's agencies so that Wage Theft exposure based upon untimely DC funding will not be an issue for providers.

## Department of Justice Guidelines RE: ADA/Olmstead and Employment / Day Services

On October 31st, the Department of Justice released a 13 page document providing states and local entities with guidelines around the ADA/Olmstead Decision and provision of employment service systems. The discussion lays out how the ADA applies to employment and day services and what states and local entities are expected to do in order to comply with the ADA and the Olmstead decision. It also discusses expectations for state Olmstead plans and what remedies are in place to make sure that those expectations are being addressed. I have attached the link to the DOJ statement below:

[Statement of the Department of Justice on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C. to State and Local Governments' Employment Service Systems for Individuals with Disabilities](https://www.ada.gov/olmstead/olmstead_guidance_employment.pdf) or

[https://www.ada.gov/olmstead/olmstead\\_guidance\\_employment.pdf](https://www.ada.gov/olmstead/olmstead_guidance_employment.pdf)

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*"The DC Coalition serves a critical role in my success as a provider. While I am watching over my organizations and the persons whom I serve, the Coalition is watching out for me in voicing concerns and providing training on regulations and policies that impact my agency."*

*- Provider member*

Follow us on Facebook and bookmark our website at [www.DC-Coalition.org](http://www.DC-Coalition.org)

## Calendar

**Fri Nov 4th at 10AM -**  
Finance Committee Mtg  
at My Own Place

**Fri Nov 4th at 11AM -**  
Legislative Committee Mtg  
at My Own Place

**Tues Nov 8th— Election Day**

**Wed Nov 9th at 1PM**  
Board Meeting  
at VOA (508 Kennedy St, NW)

**Wed Nov 9th at 3PM**  
Membership Meeting  
at VOA (508 Kennedy St, NW)

**Wed Nov 15th at 3PM**  
Day Services Committee Mtg  
at RCM of Washington

**Fri Nov 18th at 9:30AM**  
Res Services Committee Mtg  
at RCM of Washington

Locations and updates can be found  
at [www.dc-coalition.org](http://www.dc-coalition.org)

## On Your RADAR

HCBS Waiver Plan Amendments discussion meeting at DDS—Every Monday 2PM to 3:30PM/ **Next meeting November 7th**

Board of Director Officer Elections—**November 9th**

Pending DC Council announcement on Universal Paid Leave Act of 2016 — **Coming Soon**

Implementation Date for Revised Dept of Labor Overtime rules — **December 1st** (If you need a copy of the Coalition's presentation on overtime and staffing models, please contact Ian Paregol)

Living Wage Implementation Date — **January 1, 2017**

## DHCF Update

For our ICF providers, Board President, David Carrington; Vice President, Russ Snyder; Past President, Danielle Darby; and Ian Paregol, met with DHCF Director Wayne Turnage and his staff on October 26th to discuss the status of bed hold days; acuity evaluations; consolidation of ICF buckets; audit findings; new ICF rates; and potential pay-backs.

DHCF committed to submitting a State Plan Amendment (SPA) to implement the following items before the end of the year:

- + Consolidation of bed hold day as requested by the Coalition;
- + Acuity evaluations every 3 years (instead of annually) for levels below 4 as requested by the Coalition;
- + Consolidation of ICF buckets for all silos except for wages (which remains at the 95% of the funding calculation) and administrative, a modification of the Coalition's original request.

Unfortunately, the implementation date will not be until 10/1/17 (changes to these aspects of funding will need the approval of CMS).

DHCF agreed to participate in a joint meeting with DDS and the Coalition so we can fully understand the process behind ensuring providers' funding is increased on or before the Living Wage implementation date.

Regarding paybacks, providers should remain vigilant during their audits and close-out meetings, providing any documentation which refutes adverse audit findings.

We also discussed new ICF rates – they have not yet been evaluated within the DHCF. Director Turnage expressed his commitment that providers will be involved in discussions before anything is finalized or published.

## HCBS Waiver Plan Amendments Meetings

Last month, DDS — in partnership with DHCF - initiated a series of public meetings designed to consider new HCBS waiver services and assess potential changes to existing waiver services. The group has discussed new services such as peer supports and family training and is now turning to Day and Employment Services.

The waiver changes are designed to bring DC into compliance with the CMS Final Rule which means the new waiver conditions will address community, settings, employment and hours of service. While Ian Paregol and Amy Brooks (RCM) have been part of each of these meetings. Providers who offer Day, IDS and/or Employment supports should really consider attending the next meeting on November 7th at DDS at 2PM. RSVP with Erin Leveton at DDS.

## Board Elections

Wednesday, November 9th marks our next membership meeting and our Board elections. Our by-laws require that 51% of the provider members must vote on leadership, therefore, **we need your attendance at this meeting**. If you will not be attending, please send a written proxy or submit your vote to Board Secretary, Lauren Lee at [Llee@voaches.org](mailto:Llee@voaches.org)

The Board President position is unopposed, with **David Carrington** (ILS) willing to continue to lead the Coalition for another year. Initially, the Nominating Committee had included Miatta Thomas (Wholistic) as a Vice President candidate; however, she politely declined which means that **Russ Snyder** (VOA – Chesapeake) will also run unopposed.

## THIS JUST IN !!

**DOES has just released the new Living Wage Rate. On 1/1/17, the new Living Wage will rise to \$13.95/hr.**