

# Working as a Live-In Provider

## What is a Live-In Plan?

- "Live-In Services" means those Client-Employed Provider Program services provided when a consumer requires
  - Activities of Daily Living (ADL),
  - self-management tasks, **and**
  - twenty-four hour availability.
- Live-in service plans must include at least one Homecare Worker providing twenty-four hour availability for a minimum of five days in a calendar week.
- NOTE: A worker may live with the consumer and NOT be a live-in provider.

## What is 24-hour availability?

- The consumer requires assistance with service needs throughout most 24-hour periods.
- HCW must be available to address the needs as they arise.

## Examples of 24-Hour Availability

- The person needs services at unpredictable times.
  - Examples: the person is diabetic with unpredictable blood sugars throughout the day; someone who needs frequent turning and positioning during the day and night.
- The individual requires assistance with walking or moving from place to place and requires assistance with transferring and/or elimination.
  - Examples: needing assistance whenever they use the toilet; the person needs help getting in and out of bed, in and out of a chair, someone with a history of frequent falls.
- The individual requires full assist in at least three of the eight areas of cognition/behavior.
  - Examples: the person mixes up days and nights; someone who often becomes lost inside the home; someone unaware of the need to eat or take medication.



## Live-In Work Schedule

### Days Worked

- There must always be at least one 5-day live-in HCW in order to pay the plan as a live-in plan.
  - Usually this is:
    - 1 worker 7-days a week, or
    - 1 worker 5 days and 1 worker 2 days
  - Some other possible combinations:
    - 6 day/1 day
    - 5 day/ 1 day/1 day
    - 5 or 6 day plus unpaid support

### Live-In Pay

- Live-in pay is complicated. Every situation is different – and may change.
- A live-in HCW is paid for Activities of Daily Living and Self-Management Tasks, **PLUS** 24-hour availability as part of a live-in services plan.
- Live in Pay is a **combination** of different rates and authorized hours:
  - Activities of Daily Living Tasks hours (\$10.20)
  - Self-Management Tasks hours (\$4.55)
  - 24-Hour Availability hours (\$4.55)

### How many hours is this?

- The state in-home consumer on a live-in service plan may have a maximum of 389 hours per month.
  - Many plans are fewer hours.
  - This is divided between all the paid workers, if it's not a 7 day/1 person plan.
  - That averages to less than 13 paid hours in a day.
- A live-in plan must have **AT LEAST sixty** (60) hours a month of pay at the 24-hour availability rate (\$4.55).
  - If there is more than one worker, the hours and pay are divided on a pro rated basis.

## Live-In Pay

- Why aren't Live-In providers paid \$10.20 for all hours?
  - Some hours are for "being there" in case you are needed, but you may or may not do a task, so the pay is less.
- Why aren't Live-In providers paid for 24 hours a day?
  - Rarely is someone required to be "on duty" 24 hours.  
Workers do need to get breaks and a good night's sleep.
- Twenty-four hour availability is exempt from federal and state minimum wage and overtime requirements under companionship services.



## Any exceptions?

- Some consumers need an awake, alert person available 24 hours a day.
  - The service plan may authorize hourly workers in shifts instead of live-in workers.
- Some consumers require two people for some tasks (such as a transfer)
  - Hourly workers may come in to work with the live-in worker just for those tasks.

## Employer Absence from the Home

- When the employer is absent due to an illness or medical treatment, a live-in provider may be paid for up to 30 days, IF the consumer is expected to return to the home.
- The rate of pay is the same averaged hourly rate of pay the HCW received immediately preceding the consumer's absence.
- HCW's are **NOT** to provide services for the consumer in a hospital, nursing home or other facility.

## Worker Absence from the Home

- While working as a live-in, you are expected to be present for the "unexpected".
- If you need to leave the home to do errands for your employer, work out a plan with the employer to arrange coverage if needed.
- Your personal business outside the home must be done on your days off or during paid leave.

## Working Outside the Employer's Home

- The live-in worker is considered to be on duty during every scheduled 24-hour period, when being paid to provide 24-hour availability.
- Live-In HCWs cannot work outside the employer's home during the work periods when they are being paid to provide services to a consumer.
- If the HCW is not a 7-day live-in, he or she can work outside the consumer's home on days off.

## Live-In Logistics

Before starting a job, be sure to....

- Have an active provider number.
- Confirm that the local office has authorized you to provide the services.
- Clarify the hours you have been authorized to work and how many hours have been allotted for each type of service.
- Get the task list before you begin work.
- Establish a work agreement with the employer to cover issues of sleeping, meals, breaks, guests, etc.
- KNOW the hours assigned and rate of pay.



## Sleeping Quarters

- The consumer/employer is not required to provide a separate bedroom for a live-in Homecare Worker, but under labor regulations, some kind of sleeping quarters should be provided.
  - If acceptable the sleeping area provided could be a couch in the living room or another mutually acceptable space.
  - Know what your sleeping arrangements are BEFORE starting the job.

## Meals and Rent

- Consumer/employers cannot charge their employee for meals or rent unless it is for the employee's private benefit.
  - Work out an agreement in advance whether meals or rent will be provided.

## Termination or breaks

- If the job ends, know where you'll go.
  - Work out in advance whether you would be able to continue living in the consumer's residence for a period of time and for how long.
- If the consumer/employer is out of the home temporarily, can you still live there?

## Payment & Paid Leave

- Don't turn vouchers in until you have finished all the hours for the pay period.
- At the consumer's death, all payment to the HCW for services ends.

## Paid Leave



- Live-in Homecare Workers earn one 24-hour period of paid leave each month when a live-in Homecare Worker is the only live-in provider during that entire month. Time is pro-rated if multiple providers are working during the month.
- A Homecare Worker cannot accrue more than 144 hours of live-in paid leave.
  - If caring for two people in the same home, there is still the 144 hour cap.
- Time off may be taken in 24-hour increments or in hourly increments of at least 4 hours, but no more than 12 hours.
- The Live-in HCW must take time off of work in order to take paid leave.
  - Take care of yourself! You need a break in order to be an effective worker.

- If accrued paid leave hours are not used by January 31 each year, fifty percent (50%) of the remaining accrued hours will be paid out at the employee's average daily authorized wage rate.
  - The worker must have an active provider number.
  - The balance of the accrued hours is reduced by the number of hours cashed out.

## Emergency Paid Leave for Live-In

- 7-day Live-In providers may apply for an emergency cash-out 100% of their unused paid time off when the consumer /employer is no longer eligible for in-home services in certain circumstances.
  - Examples: consumer dies, moves into a facility or out of state, and the worker has no other resources to find housing.

## Live-In to Hourly

- Live-in Homecare Workers who become hourly providers within a year can convert a maximum of 32 live-in paid leave hours into hourly paid leave hours.
  - Only hours accrued but not used or cashed-out may be used.

## Average pay

- Sometimes, such as paid leave or employer absence, average pay will be determined.
  - Average daily pay is the total of all pay during the previous pay period, divided by the number of work days in the pay period.
  - Average hourly pay is the total of all pay during the previous pay period, divided by the number of hours in the pay period.

## Live-In Relief

- A Relief Worker substituting for a live-in provider taking time off in a twenty-four (24) hour block shall be one hundred and seventy-five dollars (\$175.00).
- Payment to a Relief Worker substituting for a live-in provider taking time off in a four (4) through twelve (12) hour block shall be the full assistance hourly rate (\$10.20).
- An unpaid natural support can fill in during the leave period instead of a paid Relief Homecare Worker.