

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, MS 19-74, Sacramento, CA 95814



September 1, 2000

FOSTER CARE RATES LETTER: 00-02

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHIEF PROBATION OFFICERS  
ALL GROUP HOME PROVIDERS  
ALL MENTAL HEALTH DIRECTORS

SUBJECT: ASSEMBLY BILL (AB) 60 – AMENDMENTS TO WAGE ORDER 5-89

AB 60 (Chapter 134, Statutes of 1999), titled the Eight-Hour-Day Restoration and Workplace Flexibility Act, has made substantive changes to Industrial Welfare Commission Wage Order 5-89. Although the amended statute has been in effect since January 1, 2000, the group home industry was granted a waiver to operate under interim wage order until July 1, 2000. On June 30, 2000, the Commission met and determined that the waiver was to be rescinded and that the group home industry would be required to meet all new statutory requirements effective October 1, 2000. These changes affect the length of allowable hours in a workday, the number of work hours and days in any week, and alternative work schedules. The primary change for the group home industry is that affected staff may not work more than 40 hours nor more than six (6) days in any workweek, except if the employee is compensated at 1 ½ times the usual rate of pay for all hours in excess of 40 in a week or six (6) days in a week. Further information concerning these requirements may be found on the internet at the following address: [www.dir.ca.gov/IWC/Amendedagenda6302000.html](http://www.dir.ca.gov/IWC/Amendedagenda6302000.html).

For Foster Care Rates and audit purposes, the amended wage order has the following effects:

1. Manual of Policies and Procedures (MPP) Section 11-402.211(a) states eligible child care and supervision (CCS) hours must be compensated in accordance with Department of Industrial Relations rules and regulations. Consequently, effective **October 1, 2000**, all hours in excess of 40 in a week or six (6) days in a week must be compensated at 1 ½ times the worker's normal rate of pay in order for the hours to be allowable for CCS. For example, if an employee provided 50 hours of CCS in a week, the ten (10) hours between 40 and 50 would need to be paid at 1 ½ times the normal rate of pay in order to be allowable.

2. MPP Section 11-402.211(a)(3) is not affected by the amended wage order. Hours in excess of 54 in a week continue to be unallowable unless the requirements for an exception specified in MPP Section 11-402.211(a)(4) have been met and documented.

For Foster Care Rates and audit purposes, these new requirements will be in effect for all audit periods after October 1, 2000.

If you have any questions concerning the effective of the amended wage order, please contact your Foster Care Rates Consultant at (916) 323-1263.

Sincerely,

***Original Signed by:***

PATRICIA A. AGUIAR, Chief  
Foster Care Branch

Enclosures

- C: County Welfare Directors Association  
Foster Care Alliance  
African American Foster Parent and Group Home Association  
Community Residential Care Association of California  
Residential Care Providers Association of Los Angeles County  
Association of Minority Adolescents in Residential Care Homes of Los Angeles County  
California Alliance of Child & Family Services  
Association of Minority Adolescents in Residential Care Homes (AMARCH)