

CDCAN DISABILITY RIGHTS REPORT CALIFORNIA DISABILITY-SENIOR COMMUNITY ACTION NETWORK DECEMBER 31, 2014 – WEDNESDAY

Advocacy Without Borders: One Community – Accountability With Action

CDCAN Reports go out to over 65,000 people with disabilities, mental health needs, seniors, people with traumatic brain and other injuries, people with MS, Alzheimer's and other disorders, veterans with disabilities and mental health needs, families, workers, community organizations, facilities and advocacy groups including those in the Asian/Pacific Islander, Latino, American Indian, Indian, African-American communities; policymakers, and others across the State.

Sign up for these free reports by going to the CDCAN website. Website: www.cdcan.us

To reply to THIS Report write:

Marty Omoto at martyomoto@rcip.com or martyomoto@att.net [new email - will eventually replace current martyomoto@rcip address] Twitter: martyomoto

Office Line: 916-418-4745 CDCAN Cell Phone: 916-757-9549

BREAKING NEWS

FEDERAL DISTRICT COURT JUDGE ORDERS DELAY OF IMPLEMENTATION OF ENTIRE NEW FEDERAL OVERTIME REGULATIONS FOR HOME CARE WORKERS UNTIL JANUARY 15TH HEARING IN WASHINGTON DC; CALIFORNIA WILL SUSPEND IMPLEMENTATION OF IHSS OVERTIME UNTIL THAT DATE

SACRAMENTO, CA [CDCAN LAST UPDATED 12/31/2014 – 12:11 PM] – A federal district court judge in Washington DC ordered today a stay or delay of the entire US Department of Labor new regulations impacting overtime, wait time and travel time for home care workers until a January 15th hearing in Washington DC, following up his ruling last week on December 22nd that struck down a major part of those regulations impacting third party employers who hire home care workers. This ruling impacts the entire regulations set to go into effect across the nation tomorrow, January 1st. that removed exemptions to overtime for many home care workers.

As a result, state officials in California said that the State will suspend implementation of overtime, scheduled to begin tomorrow (January 1st) for In-Home Supportive Services (IHSS) workers until at least January 15th. State officials will be releasing today an official notice to the counties – called an “All County Letter” that will outline the details of suspending implementation of overtime, travel time and wait time for IHSS and Waiver Personal Care Services workers across the state. [CDCAN will issue this notice when it becomes available].

Workers will be paid for work as they do now, with no cap on hours, at least through January 15th. What happens after that point depends on how the federal judge rules – and what further steps the federal government decides to take to appeal – and also how the states decide to interpret the actions of both.

This action by the federal judge in Washington DC continues his previous ruling on December 22nd that struck down a major part of the US Department of Labor’s home care overtime regulations impacting “third party employers” of home care workers saying that the federal agency exceeded its authority by making a change to existing federal law that requires Congressional action to change it through passage and enactment of new legislation. US Department of Labor officials expressed “serious disagreement” with the ruling and are considering an appeal.

US District Court Judge Richard J. Leon, appointed to the bench in 2001 by President George W. Bush, in his ruling said he agreed with the plaintiffs (those filing the lawsuit) who claimed that "...the exemption enjoyed by third-party employers over the past forty years is not an open question and the Department of Labor cannot, therefore, manipulate" its authority in such a way as to "effectively rewrite the exemption out of the law."

The US Department of Labor final home care overtime regulations, issued on October 1, 2013, included of "third party employers" to pay their previously exempted home care workers the federal minimum wage and overtime pay beginning on January 1, 2015 in all states including California. "Third party employers" include non-profit and for profit businesses and organizations and state agencies that employ home care workers, including those who provide personal care type services to children and adults with disabilities, mental health needs and seniors in their homes. The federal lawsuit – Home Care Association of America, et al. v. David Weil, et al. [US Department of Labor official] – ruled on by US District Judge Leon overturned that part of the US Department of Labor home care overtime regulations dealing with "third party employers" but kept the rest of the regulations intact.

CDCAN - MARTY OMOTO YOUTUBE CHANNEL

A CDCAN (Marty Omoto) youtube channel was set up and has several videos dealing with current – and previous state budget issues, disability and senior rights, and advocacy.

To see the current videos, including March 2014 San Andreas Regional Center Aptos Legislative Breakfast, January 2014 panel discussion on services for adults with autism spectrum and related disorders in Palo Alto, and older videos including video of April 2003 march of over 3,000 people with developmental disabilities, families, providers, regional centers and others from the Sacramento Convention Center to the State Capitol (to attend and testify at budget hearing on proposed massive permanent cuts to regional center funded services, go to the CDCAN (Marty Omoto) Channel at:

<https://www.youtube.com/channel/UCEySEyhnr9LQRiCe-F7ELhg>

More videos – including new current videos (an interview with longtime advocate Maggie Dee Dowling is planned, among others) – plus archive videos of past events – will be posted soon.

ALERT: PLEASE HELP!!!!!! DECEMBER 31, 2014 – WEDNESDAY PLEASE HELP CDCAN CONTINUE ITS WORK

CDCAN Townhall Telemeetings, CDCAN Reports and Alerts and other activities cannot continue without YOUR help. To continue the CDCAN website and the CDCAN Reports and Alerts sent out and read by over 65,000 people and organizations, policy makers and media across the State, and to continue and resume CDCAN Townhall Telemeetings, trainings and other events, please send your contribution/donation (please make check payable to "CDCAN" or "California Disability Community Action Network" and mail to:

CDCAN – NEW MAILING ADDRESS:

***1500 West El Camino Avenue Suite 499
Sacramento, CA 95833***

[replaces 1225 8th Street Suite 480, Sacramento, CA 95814]

Office Line: 916-418-4745 CDCAN Cell Phone: 916-757-9549 (replaced 916-212-0237)

Many, many thanks to all the organizations and individuals for their continued support that make these reports and other CDCAN efforts possible!