



State of Vermont
Agency of Human Services
208 Hurricane Lane, Suite 103
Williston, VT 05495

Global Commitment Register

November 2, 2015

GCR 15-002
FINAL POLICY

ARIS FLSA Rules for Overtime

Policy Summary:

The Department for Aging and Independent Living (DAIL) has changed the maximum allowable rates or 'caps' for existing Attendant Services Program (ASP) and Choices for Care (CFC) claims codes to comply with recent changes in Department of Labor (DOL) Fair Labor Standards Act (FLSA) rules, per federal rule change and recent court action. This will allow ARIS to process overtime payments for employees who work for the same employer more than 40 hours per week both within and across multiple programs: ASP, CFC, Children's Personal Care Services (CPCS), Developmental Services (DS), and Traumatic Brain Injury (TBI). CPCS, DS, and TBI already have reimbursement procedures that support payment of overtime.

Effective Date:

October 11, 2015

Authority/Legal Basis:

1115 Global Commitment to Health waiver, available [here](#).
Medicaid State Plan, available [here](#).

Population Affected:

Approximately 1,100 individuals receiving ASP and CFC services are affected by this change.

Fiscal Impact:

No fiscal impact. Variations in individual service costs and utilization are managed within the existing ASP and CFC budgets.

Additional information:

DOL FLSA Rule: *Application of the Fair Labor Standards Act to Domestic Service*, 78 FR 60454 (October 1, 2013), available [here](#).

Court Decision: *Home Care Association of America, et al. v. Weil, et al.*, No. 15-5018, (D.C. Cir. August 21, 2015), available [here](#).