

Instructions for Employing a CSW Who Works More Than Forty Hours a Week and is Exempt From Overtime Pay Requirements According to the Fair Labor Standards Act

The participant must call the Idaho Department of Labor and Commerce to make sure the community support worker's (CSW) job duties are consistent with the definition of duties of workers who are exempt from overtime and minimum wage laws. After the CSW's job duties are confirmed with the department, the participant can proceed to the next step. In our example below, the participant wants the same CSW to provide all of the services. The work week is more than forty hours because the CSW will be spending three nights a week at the home of the participant, as a paid companion.

- Column A: Write each service that meets the definition of duties exempt from overtime and minimum wage in its own box.
 - For example: Companionship services at night (box four).
- Column B: This service matches the support code for Personal Support. Because it is paid at a different rate than the personal supports provided in the home (PSS) or in the community (PS2), it is coded as PS3.
- Column C: Calculate the number of hours a year the CSW will provide the service.
 - Our example: the participant will use this CSW for three nights a week, eight hours a night for fifty weeks. (Remember: The participant is taking a two week vacation and will not need the CSW for this time period.)
 - The CSW will provide companionship services for 1,200 hours a year. (Eight hours x three nights a week x 50 weeks.)
- Column D: Write the hourly wage the CSW will be paid for the service listed in column A.

Note: Companionship services are exempt from the minimum wage law.

 - Our example: the participant will pay the CSW \$3.00 an hour for companionship services.
- Column E: Total the annual cost (Column C x Column D)
 - Our example: The CSW will provide 1,200 hours of companionship services at the wage of \$3 an hour. The total annual cost of this service is \$3,600.