

Overtime Rules for California's Self-Determination Program



YOUR LIFE
YOUR CARE
YOUR PEOPLE

As an employer in California's Self-Determination Program (SDP), it is important that you understand how and when to pay overtime rates to the workers who provide care services.

What are overtime rates?

Normally, you pay your worker(s) a regular rate. However, when workers work more than a certain number of hours in a week, they must be paid a higher overtime rate.

This overtime rate is either one and one-half times (1.5x) the regular rate, or two times (2x) the regular rate. The workers' regular rate is the compensation that they normally earn for the work they perform, but can also include any guaranteed bonus and other types of required pay.

As an example, if workers have a regular hourly rate of \$22/hour,

- their 1.5x overtime rate will equal \$33/hour ($\22×1.5)
- their 2x overtime rate will equal \$44/hour ($\22×2).

When must I pay overtime?

The overtime rules depend on whether the workers live with the participant and whether the workers are family members.

For workers who do NOT live with the participant, you must pay overtime as follows:

1.5x their regular rate for:

- All hours over 8 hours in a day,
- All hours over 40 hours in a week, and
- The first 8 hours on the 7th day in a row that they work in a week

2x their regular rate for:

- All hours over 12 hours in a day, and
- All hours over 8 hours on the 7th day in a row that they work in a week.

Exception for family members:

If the worker is a parent, spouse, or child of the participant and does not live with the participant, then you must pay 1.5x the regular hourly rate, only for:

- All hours over 40 in a week.

For workers who live with the participant, and who are eligible for the Live-In Exemption, you must pay overtime as follows:

1.5x their regular rate for:

- All hours over 9 hours in a day,
- The first 9 hours on the 6th and 7th day that they work in a week

2x their regular rate for:

- All hours over 9 hours on the 6th and 7th day in a week.

Exception for live-in family members:

If the worker is a parent, spouse, or child of the participant, lives with the participant, and is eligible for the Live-In Exemption,

- you are not required to pay overtime rates, no matter how many hours are worked in a day or in a week.

➤ **Disclaimer:** This is a summary for general informational purposes only. Participants should consult the official **California IWC Wage Order, Section 11** or seek legal advice for detailed guidance. **Link:** <https://www.dir.ca.gov/IWC/IWCArticle15.pdf>