

January 27, 2017

To the Honorable Members of
The Illinois Senate,
99th General Assembly:

Today I veto Senate Bill 261 from the 99th General Assembly, which amends the Illinois Rehabilitation of Persons with Disabilities Act to remove the state's ability to place any limit on the number of weekly hours a provider of home care services may work.

Each physically disabled resident in the taxpayer-funded Home Service Program is provided a service plan that includes a certain number of hours for in-home care. This care is provided by individual providers and is based on the personal circumstances and level of need of each person in the program. The total number of hours in a resident's service plan varies, with some high-need individuals requiring as much as 80, 90, or even more than 100 hours of care each week.

In response to a recent ruling by the United States Department of Labor that requires payment of time-and-a-half for each hour worked over 40 hours, the Illinois Department of Human Services (IDHS) has attempted to reasonably address the overtime being worked by individual providers—taking into account both the safety of participants in the program and the need to manage the significant increase in costs resulting from this ruling.

IDHS' proposed policy to address overtime is not yet in force, but rather proceeding through the normal process overseen by the Joint Committee on Administrative Rules (JCAR)—the legislative body tasked with reviewing rules issued by state agencies. Notably, the proposed policy incorporates many of the concerns and suggestions provided by stakeholders across the home services community. Specifically, the policy: (i) permits overtime in the appropriate circumstances, (ii) safeguards individual providers from being unnecessarily overworked, (iii) ensures that residents with extensive service plans will have more than one person who understands their needs and who is capable of caring for them, and

(iv) allows the state to put reasonable limits on the amount of overtime individuals providers may work.

Despite addressing many of the concerns raised by stakeholders, and doing so through the legislatively-sanctioned JCAR process, Senate Bill 261 prohibits the state from placing any limit whatsoever on the number of weekly hours worked by individual providers. This legislation will result in many individual providers working unlimited hours on insufficient rest, will place many customers at risk of receiving inadequate care from a single, exhausted individual provider, and will drive up costs that will result in cuts to this program or others.

As stewards of the Home Services Program, the state must protect the safety of our residents, as well as the long-term sustainability of the program. The state has a responsibility to contain rising costs so that future participants will also have access to the services of this critical program. Therefore, pursuant to Section 9(b) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 261, entitled "AN ACT concerning employment", with the foregoing objections, vetoed in its entirety.

Sincerely,

Bruce Rauner
GOVERNOR