



June 29, 2018

IMPORTANT INFORMATION

RE: UNIFORM HOLIDAY SCHEDULE UPDATE

The purpose of this letter is to notify all service providers that the Department of Developmental Services ("DDS") **will not** be issuing a Uniform Holiday Schedule Program Directive during FY2018-2019 (July 1, 2018 through June 30, 2019)

Welfare & Institutions Code (WIC) section 4692 provides that certain service providers are subject to a Uniform Holiday Schedule pursuant to a program directive issued by DDS. In a directive from DDS, dated March 17, 2015, DDS informed regional centers that a federal court issued an injunction barring the enforcement of the Uniform Holiday Schedule under statute. DDS moved to vacate the injunction and on August 26, 2016, the United States District Court granted DDS's request and the injunction was lifted. The United States District Court's decision to lift the injunction was affirmed by the federal appellate court in May 2017. Accordingly, there is no current legal barrier to enforce the Uniform Holiday Schedule. On June 27, 2018, Tri-Counties Regional Center ("TCRC") received written notice from DDS, stating that the current Budget Bill for fiscal year 2018-2019 includes funding so that regional centers are not required to apply WIC 4692 during FY2018-2019 and enforce the Uniform Holiday Schedule. When appropriate DDS will issue a future program directive to regional centers providing information regarding any changes to; and required enforcement of the Uniform Holiday Schedule.

Please know that TCRC'S Vendor Advisory Committee approved a Holiday Schedule for day programs and transportation providers for FY 2018-2019. TCRC's POS accounting staff will email this Holiday Schedule to applicable providers and will post the schedule on TCRC's eBilling website.

While this correspondence provides you a summary of the changes in statute, a copy of WIC, Section 4692 is enclosed for your review.

Should you have questions about this information, please contact Zari Foosherian, Accounting Associate, by email zarif@tri-counties.org.



**State of California
WELFARE AND INSTITUTIONS CODE
Section 4692**

4692. (a) Effective August 1, 2009, subject to subdivisions (c) and (e), regional centers shall not compensate a work activity program, activity center, adult development center, behavior management program, social recreation program, adaptive skills trainer, infant development program, program support group (day service), socialization training program, client/parent support behavior intervention training program, community integration training program, community activities support service, or creative arts program, as defined in Title 17 of the California Code of Regulations, for providing any service to a consumer on any of the following holidays:

- (1) January 1.
 - (2) The third Monday in January.
 - (3) The third Monday in February.
 - (4) March 31.
 - (5) The last Monday in May.
 - (6) July 4.
 - (7) The first Monday in September.
 - (8) November 11.
 - (9) Thanksgiving Day.
 - (10) December 25.
 - (11) The four business days between December 25 and January 1.
- (b) Effective August 1, 2009, subject to subdivisions (c) and (e), regional centers shall not compensate a transportation vendor/family member, transportation company, transportation/additional component vendor, transportation broker, transportation assistant/vendor, transportation vendor/auto driver, or transportation vendor/public or rental car agency or taxi, in accordance with Title 17 of the California Code of Regulations, for transporting any consumer to receive services from any of the vendors specified in subdivision (a) for any of the holidays set forth in paragraphs (1) to (11), inclusive, of subdivision (a).
- (c) If a holiday listed in this section falls on a Saturday or a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed.
- (d) Contracts between the vendors described in this section and regional centers shall reflect the holiday closures set forth in this section and shall be renegotiated accordingly, as necessary.
- (e) The department may adjust the holidays set forth in subdivision (a) through a program directive. This directive shall be provided to the regional centers and posted on the department's Internet Web site at least 60 days prior to the effective date of the change in holiday.

(Added by Stats. 2009, 4th Ex. Sess., Ch. 9, Sec. 26. Effective July 28, 2009.)