

## PERSONAL CARE ATTENDANT EARNED PAID TIME OFF

Effective July 1, 2019, Personal Care Attendants (PCAs) shall be eligible for earned Paid Time Off (PTO). Formerly, PCAs were eligible for earned sick time. As of July 1, 2019, all earned sick time will convert to PTO and PCAs shall only be eligible for earned PTO.

**Used PTO must be reported on a separate timesheet: the PCA Paid Time Off Activity Form Time Sheet.** Your employer, the MassHealth Member, will obtain PCA Paid Time Off Activity Forms from their Fiscal Intermediary. Any PTO reported on a Regular Activity Form Time Sheet will not be processed for payment.

Please familiarize yourself with the following important information about PTO.

### Important Information about Paid Time Off:

- PCAs will earn 1 hour of PTO for every 30 hours worked. PCAs can accrue up to 50 hours of PTO. For purposes of PTO, a year is defined as the state fiscal year (July 1- June 30). The accrual is determined by adding all the hours worked as a PCA across all consumer employers in the MassHealth PCA Program.
- PCAs may not accrue more than 50 hours of PTO. However, if a PCA uses PTO, the PCA may continue to accrue up to 50 hours of PTO. For example, if a PCA earned 50 hours of PTO and in the 10<sup>th</sup> month of the year took 20 hours of PTO, the PCA would have a balance of 30 hours of PTO. That PCA could continue to earn additional PTO up to the maximum amount of 50 hours PTO.
- PCAs may carry over up to 50 hours of unused earned PTO to the next year. However, a PCA may never have more than 50 hours of unused earned PTO so the PCA must use PTO to be able to start accruing again.
- All PCAs who work enough hours must be allowed to accrue 50 hours per year of earned PTO.
- PCAs begin accruing PTO from their first date of actual work.
- A PCA can begin utilizing earned PTO 90 days after the PCA started working for a consumer.
- PTO can be used for any reason that the PCA cannot or chooses not to work scheduled time. Reasons may include vacation, personal time, sick time, domestic violence or member unavailability.
- It is the PCA's responsibility to use PTO in amounts consistent with their regular schedule. For example, if a PCA typically works 5 hours a day 3 days a week, he or she should use PTO consistent with that schedule. That PCA should not, for example, take 8 hours of PTO for 5 days in a week.

- PTO cannot be taken at the same time/same hours that the PCA is providing personal care to another consumer in the PCA program (i.e., a PCA cannot submit an activity form for providing PCA services seeking regular pay and also submit a PTO activity form seeking pay for using earned PTO for the same hours).
- PCAs are entitled to use earned PTO in 15-minute intervals. The shortest time period for which a PCA may use earned PTO is 15 minutes.
- PTO will not count toward the calculation of overtime or other premium rates. However, a PCA who works more than 40 hours in a given week can receive overtime pay in the same week that a PCA uses PTO. For example, if a PCA typically worked 50 hours in a week and took 5 hours of PTO, that PCA would be paid for 45 hours of regular time, 5 hours of overtime premium and 5 hours of PTO.
- PCAs should submit a Paid Time Off Activity Form for each consumer from whom they are requesting PTO. For example, if a PCA works for 2 employers on Monday and would like to take Monday off, the PCA should submit two Paid Time Off Activity Forms. The Paid Time Off Activity Forms should reflect the regularly scheduled hours for which the PCA is taking PTO. The PCA should not submit Paid Time Off Activity Forms for different consumers with overlapping PTO reported.
- Unused accrued PTO will be paid out to PCAs at the end of employment, regardless of whether the PCA left voluntarily or involuntarily.
- A PCA must end employment with all consumers to be eligible for payment of unused accrued PTO.
- A PCA must work for a PCA Consumer, and an activity form must be submitted, for dates of services on or after July 1, 2019, for a PCA to be eligible for payout for any remaining PTO at the end of employment as a PCA. In addition, the Termination Form must be submitted within 1 year of the last date worked to be eligible for payout.
- A Termination Form will initiate the pay-out of unused accrued PTO if the PCA is leaving all employment in the PCA program. A Termination Form must be submitted to the Fiscal Intermediary immediately after a PCA's employment ends. The Termination Form is required regardless of the reason for the end of employment. It is preferred to have both the PCA and the consumer employer sign the Termination Form; however, the Fiscal Intermediary will accept a Termination Form submitted and signed by either the PCA or the consumer employer. If the PCA signs the form, the PCA will attest on the form if he or she is leaving all employment in the PCA program or if he or she is employed by one or more other consumers.
- The PCA and consumer will be asked to attest as to the Date of Separation from employment on the Termination Form. The PCA will be paid out at the wage rate effective as of the Date of Separation. The Date of Separation is defined as the date that the consumer employer and the PCA ended their employment relationship. If the Date of Separation is unknown, please use the last date that the PCA worked for the consumer employer.

- Payout of unused accrued PTO will be issued by the Fiscal Intermediary with the next scheduled payroll after receiving an accurately completed Termination Form.
- **PCAs must make a good faith effort to provide reasonable notice to the consumer employer of the intent to use PTO in advance of the use of earned PTO.** Reasonable notice may include compliance with the consumers' reasonable notification policy and procedure that the PCA customarily uses to communicate with the consumer for absences or requesting leave. If the consumer does not have an existing policy and procedure for providing reasonable notice, the consumer must establish such a policy or procedure, preferably in writing. The policy and procedure should enable the PCA to effectively provide reasonable notice in a way that can be documented.
- A PCA can view his or her unused accrued Paid Time Off balance at the iSolve web portal at <https://www.OnlineEmployer.com/feapca>. Should PCAs or consumer employers have questions regarding PTO, they may contact the Fiscal Intermediary that issues the PCA's payment.