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## PERSONAL CARE ATTENDANT PAID SICK LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

In accordance with the Families First Coronavirus Response Act (FFCRA), and as outlined below, Personal Care Attendants (PCAs) can take paid sick leave for specific reasons related to COVID-19. **In accordance with the American Rescue Plan Act, a second round of FFCRA sick leave will be available for qualifying leave taken from April 1, 2021, through September 30, 2021.** This second round of sick leave benefits will also include three new qualifying reasons, which are explained below.

### **What does the FFCRA sick leave benefit cover?**

Starting on April 1, 2021, and ending on September 30, 2021, the FFCRA paid sick leave benefit covers:

- **Paid sick leave, at the PCA's regular rate of pay, if:**
  - 1) The PCA is unable to work because the PCA is quarantined (pursuant to Federal, State, or local government order);
  - 2) The PCA is unable to work because the PCA is advised to self-quarantine by a health care provider;
  - 3) The PCA is unable to work due to experiencing COVID-19 symptoms and is seeking a medical diagnosis;
  - 4) \*The PCA is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and after an exposure to COVID-19 or test or diagnosis at the employer's request;
  - 5) \*The PCA is obtaining a COVID-19 vaccine; and/or
  - 6) \*The PCA is recovering from any injury, disability, illness, or condition related to a COVID-19 vaccine.
  
- **Paid sick leave, at two-thirds the PCA's regular rate of pay, if:**
  - 7) The PCA is unable to work because of a need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider);



- 8) The PCA is unable to work due to caring for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19; and/or
- 9) \*\*The PCA is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

\*Reasons 4, 5, and 6 only apply to the second round of FFCRA sick leave, which is in effect from April 1, 2021 through September 30, 2021, and cannot apply to dates prior to April 1, 2021.

\*\*To date, the Secretary of Health and Human Services has not specified conditions that would result in a qualified reason for FFCRA paid sick leave.

### **How is each PCA's maximum FFCRA paid sick leave benefit calculated?**

The maximum amount of emergency paid sick leave a PCA is entitled to receive is the average hours worked by the PCA over a two-week period, up to a maximum of 80 hours.

### **How are FFCRA sick leave payments calculated?**

For leave reasons (1), (2), (3), (4), (5), and (6): PCAs taking leave are entitled to pay at their regular rate, up to a maximum of \$511 per day.

For leave reasons (7), (8), and (9): PCAs are entitled to pay at 2/3 their regular rate, up to a maximum of \$200 per day.

**As of April 1, 2021, every PCA will be eligible for this second round of FFCRA paid sick leave, regardless of whether they used FFCRA sick leave prior to April 1, 2021.** PCAs cannot carry over unused FFCRA paid sick leave past March 31, 2021. PCAs are not entitled to reimbursement for unused leave upon termination, resignation, or other separation from employment.

### **How can PCAs use FFCRA paid sick leave?**

There is a separate timesheet for emergency paid sick leave, with instructions on how to fill out the timesheet. PCAs must check the reason for which they are using emergency paid sick leave and sign the timesheet. PCAs must use a separate emergency paid sick leave timesheet for each Consumer-Employer (but the Consumer-Employer does not need to sign the timesheet). Contact the Fiscal Intermediary (FI) for assistance with obtaining or filling out the emergency paid sick leave timesheet.

### **What type of notice is required when a PCA takes FFCRA sick leave?**

Where leave is foreseeable, a PCA should provide notice of leave to their Consumer-Employer.

### **Where should PCAs go with questions about FFCRA sick leave?**

Any PCA with questions about the expanded FFCRA sick leave benefit should speak with their Consumer-Employer and, if needed, contact their Fiscal Intermediary for more information.