



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
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Boston, Massachusetts 02108



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

The Families First Coronavirus Response Act (FFCRA or 'Act') provides paid sick leave for specific reasons related to COVID-19. This paid sick leave benefit will apply from April 1, 2020, through December 31, 2020.

The Act provides the following paid sick leave benefit:

- Up to 80 hours of paid sick leave:
 - at the PCA's regular rate of pay if the PCA is unable to work because the PCA is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
 - at two-thirds the PCA's regular rate of pay if the PCA is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or 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.

Calculation of the Amount of Paid Sick Leave Under the FFCRA

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.

Qualifying Reasons for Paid Sick Leave Under the FFCRA

A PCA qualifies for paid sick leave if the PCA is unable to work due to a need for leave because the PCA:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Calculation of Pay for Sick Leave under the FFCRA

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

For leave reasons (4), (5), or (6): PCAs are entitled to pay at 2/3 their regular rate, up to a maximum of \$200 per day.

Paid sick time provided under this Act does not carryover from one year to the next. PCAs are not entitled to reimbursement for unused leave upon termination, resignation, or other separation from employment.

How to Use Emergency Paid Sick Leave

There is a separate timesheet for emergency paid sick leave, with instructions 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.

Notice

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