



Important Employer Documents

This section addresses the Consumer, as the Employer, and contains the following information:

- Timesheets and Instructions
- Workers' Compensation for PCAs
- How to Apply for Unemployment
- MassHealth Fraud
- Important Tax Information
- Termination of a PCA
- PCA Sick Leave
- Employment Laws and Benefits
- Wage and Hour Laws and Regulations
- Consumer Rights Under New Labor Contract
- Child Labor Laws
- Sick Time
- Personal Time Off (PTO) - Travel Time – Overtime
- Hotlines/Warmlines



TO: Consumers of the Personal Care Attendant (PCA) Program

FROM: Fiscal Intermediary Department

RE: Timesheets and Instructions

Tempus Unlimited, Inc. welcomes you as your Fiscal Intermediary. The following are instructions and comments for the completion of the timesheets that you should send to us for each biweekly payroll period that you use PCAs. You may want to provide a copy of this memo to your PCAs so that they might better understand the timesheets and the payroll process.

Biweekly Payroll: As you can see on the timesheet, we use a biweekly payroll period (every two weeks). Consumers and PCAs **do not** have the option of billing every week. All consumers must send in timesheets every two weeks. The payroll period is explained on the back of the timesheet and below under PCA Payment Schedule.

PCA Payment Schedule: The PCA Payment Schedule shows the payroll period beginning and ending dates, as well as the dates we must receive the timesheets and the dates the timesheets will be paid. Keep in mind that we require that the timesheets be in our office by 4:00 PM on the Monday after the end of each payroll period in order to process them in a timely manner. This is true even if Monday is a holiday.

Payroll Dates: In order to process timesheets with more accuracy, in a timely manner, and as per our funding source contracts we can only process timesheets that have the correct pay period dates that are assigned to you based on your PCA Payment Schedule. **If any other dates are printed in the Payroll Period boxes, the timesheet will NOT be paid.**

One PCA Per Timesheet: The hours of each PCA must be recorded on different timesheets. Under no circumstances will a timesheet be processed if it contains information for more than one PCA.

Delivery of Timesheets: Timesheets can be faxed to us at the toll-free fax number listed on the front of the timesheet. In addition, you can drop off timesheets to our Stoughton office at the address listed below. **If you fax your timesheet, please do not mail the original to us.** Timesheets dropped at the Stoughton office by 4:00 PM on Mondays will be considered to be on time. Any mailed timesheets received with a postmark before the end of the payroll period will be returned to the consumer, unless there are no hours on the timesheet after the postmark. For instance, if there are no hours on the timesheet for the second Saturday of the payroll period then the timesheet can be mailed, faxed or delivered on Saturday. Likewise, if there are no hours on the timesheet for the second Friday and timesheet can be mailed, faxed or delivered on Friday or Saturday. However, if you mail, fax or deliver a timesheet on Friday that has hours on Friday or Saturday, it will be returned to you without being processed. **There will never be any exceptions to this policy.**

Signatures: The PCA and the consumer/surrogate must sign the timesheet at the bottom of the timesheet and the signatures must be originals. Although it is acceptable to make copies of timesheets if the PCAs work a set schedule, it is not acceptable to make copies of timesheets with signatures already on the document. Any timesheets received **without original signatures** will be returned to the consumer without being processed.

Consumer Information: The consumer is required to complete the consumer name, consumer # and telephone number information. The consumer # is assigned by our office. The telephone number should be the number you would like us to call if there is a problem with the timesheet.

PCA Information: The PCA is required to complete the name, last four digits of the social security number and telephone number section.

Direct Deposits and Debit Cards: Beginning January 1, 2017, you are required to have direct deposit for PCA services due to changes by the collective bargaining agreement between the Commonwealth of Massachusetts's PCA Workforce Council and the PCA union (1199SEIU).

***If you already use direct deposit to be paid for PCA services, you do not have to do anything.**

*You may apply for another payment method from the options below:

Apply for Direct Deposit

- A **direct-deposit application** form is attached to this notice. Complete the application and return it to the address on the application.

Note: Direct-deposit accounts must be in the name of the PCA only. The bank account cannot be a joint account that you share with the consumer or the surrogate.

If You Cannot Get Direct Deposit, You Must Apply for a Payroll Debit Card

- If you do not have a bank account that accepts direct deposit, you must apply for a **payroll debit card**. Ask your fiscal intermediary (FI) or the union for a payroll debit card application.

Note: If you apply for a payroll debit card, be sure to read all of the terms and conditions, which will tell you when any fees may apply.

If You Cannot Get Paid by Direct Deposit or Payroll Debit Card, You Must Apply for an Exemption

- You may apply for an exemption *only* if you cannot enroll in direct deposit or get a payroll debit card due to a severe hardship. Examples of hardship may include: you cannot access a bank or financial institution during off-hours; there's no ATM within a reasonable distance of your work or home; or the PCA is a minor. If you do get an exemption, you will be paid by a paper check for PCA services. The PCA Workforce Council, together with your Fiscal Intermediary (FI) and the PCA union, will review your request and make a decision.

Note: Preferring to be paid by check is not a hardship.

The form referenced above is available through our Consumer Relations Department at 1-877-479-7577.

All timesheets received on time will be processed so that direct deposit/debit card stubs can be mailed to the consumer on Wednesday. The debit card/direct deposits will be dated for that Friday. Timesheets received after Monday at 4:00 PM may be processed with check dates in the following week. Although a consumer can authorize a PCA to pick up the payroll package, a consumer **cannot** authorize a PCA to pick up just that PCA's stub. The entire payroll package must be picked up or mailed.

Payroll Packages: Each payroll period, the consumer will receive a payroll package, which includes payroll reports for all the timesheets processed for the consumer's records. A consumer may allow someone else to pick up his or her payroll package each payroll period. That authorization must be in writing and will remain in force until canceled in writing.

Effective September 1, 2019, consumer-employers and PCAs will be able to access PCA pay advice information electronically on your Fiscal Intermediary's website. Payment voucher information will default to electronic access; however, PCAs who wish to opt out of this option may receive payment voucher information via standard mail. Follow these steps to access a payment voucher request:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Select **PCA Information Forms** at the top of the page
4. Select **Tempus PCA/Worker Payment Voucher Request**

Time Worked - Day/Eve Hours: All hours worked between 6:00 AM and 11:59 PM are considered Day/Eve Hours. The PCA should complete the timesheet by writing the actual "Time In" and "Time Out" in the spaces provided including filling in the appropriate AM and PM circles using the sample on the back of the timesheet as a guide. You must use the AM and PM designations with all hours or the timesheet will not be processed. Also, remember that the timesheet should reflect actual hours worked. The Total Day/Eve Hours should be calculated daily using hours and minutes (i.e. A PCA who works from 1 PM to 2:30 PM would record the time for that day as 1 hour and 30 minutes, not 1 and 1/2 hours and not 1.5 hours).

The daily minutes must be rounded up to the next 15 minute increment. Please see the instructions on the back of the timesheet for more details. The Total Week 1 and Total Week 2 boxes should be calculated so that the total minutes do not exceed 45. For instance, if a PCA works 1 hour and 15 minutes each day for five days, the total for that week would be 5 hours and 75 minutes which should be expressed as 6 hours and 15 minutes in the Total Week box. If a PCA has more than 3 in and out times on a particular day, that PCA should use a second timesheet for that payroll period to record the additional in and out times. The second timesheet should have all of the other necessary information including the payroll period dates and signatures and should include only the total hours and minutes that appear on that second timesheet.

Time Worked - Night Hours: All hours worked between 12:00 AM and 6:00 AM are considered Night Hours **if the consumer is approved for Night Hours.** PCAs will be paid for two hours if they actually work between five minutes and two hours that night. If your PCA works from 12:00 AM - 12:15 AM, those 15 minutes should be recorded in the "Time In" and "Time Out" columns of the timesheet and two hours should be recorded under the "Total Night Hours" column. We can only pay PCAs night hour pay up to the amount of the approval per night. For instance, a consumer who has an approval for two Night Hours can only submit timesheets with two hours per night. We cannot pay in excess of the approval per night. If a consumer is approved for three Night Hours, the PCA would be paid for three hours only if that PCA worked more than two hours.

Overtime: Any hours worked by one PCA for one employer (consumer) in excess of 40 in one week are required to be paid at time and a half according to Department of Labor regulations. Under the guidelines of this program, it is assumed that overtime usage will not be routine. Each consumer should hire and schedule his or her PCAs to ensure that no one PCA is asked to work more than 40 hours in one week. In the event a consumer's only option for PCA coverage is an employee who will be working in excess of 40 hours for the week, the consumer is required to contact their **PCM Agency** to arrange for the overtime approval **before it occurs.** You must submit an Overtime Request Form to MassHealth. If the consumer cannot make contact with the PCM Agency before the overtime happens because of holidays or weekends, the consumer should leave a message at the PCM Agency office and follow up that call with another call on the next regular business day. You cannot avoid overtime by having a PCA work 45 hours in the first week of the payroll period and then work 35 hours in the second week of the payroll period so that the average is 40. Each week is calculated on its own for overtime purposes. Actual time worked is the basis for overtime.

There are two types of Overtime approval for MassHealth:

Temporary Approval

A consumer may request a Temporary approval to a PCA to work overtime when:

- The consumer has planned travel, and it would not be feasible to bring multiple PCAs to provide the consumer's PCAs services.
- The consumer's PCAs is temporarily unavailable (e.g. vacation, winter break, family leave).
- The consumer has a temporary need to schedule their PCA to work additional approved PA hours (e.g. post-acute hospitalization).
- The consumer's PCA works greater than 66 hours per week and the consumer needs time to hire additional PCAs.

- Requests for a temporary approval must include the specific reason(s) for such request.

Continuity of Care Approval

A consumer may request a continuity of care approval to schedule a PCA to work overtime when:

- The consumer has complex medical needs that require the specialized skills of the experienced PCA.
- The consumer has communication barriers that require the specialized skills of experienced PCA.
- The consumer has specialized medical conditions that necessitate fewer PCAs. Examples might include circumstances in which additional PCAs in the consumer's home would compromise the consumer's health due to highly compromised immune system, or a circumstance in which a consumer has significant cognitive impairments or behaviors that impact safety, and that hiring additional PCAs would cause disruption in security, health and/or safety to the consumer.
- The consumer receives Hospice care.
- The consumer's PCA has worked for the consumer for 5 or more years.

- Continuity of Care Approvals are for the duration of the consumer's Prior Authorization.
- Continuity of Care Approvals must be resubmitted for subsequent Prior Authorization periods.
- Requests for continuity of care approvals must include the specific reason(s) for such request.
- If a PCA works greater than 66 hours per week, the consumer must apply for a Temporary Approval.

Fill-In Version of the Timesheet: There is a version of the Fiscal Intermediary timesheet available on our website that may be a more efficient way for consumers and PCAs to report payroll to us. Follow these steps to access this form:

1. Go to our website- <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **Timesheets**
4. Select **FI Timesheet**

The only software you will need to use this timesheet is Adobe Reader which can be downloaded free on the internet at <http://www.adobe.com/products/reader/>. The timesheet can be downloaded from our website and saved on the user's computer. It can then be completed on the computer, printed out, signed and faxed to us for processing. The completed timesheet can also be saved and then revised for future payroll periods. The consumer and PCA would only have to change the payroll period dates, make any revisions to the in and out times for that payroll period, print, sign and fax the timesheet for processing.

Electronic Timesheet User Agreement: The Electronic Timesheet (E-Timesheet) Module is a web-based interface through which Consumers, Surrogates, PCAs/Workers, and Fiscal Intermediary staff can respectively can record, view, and submit relevant timesheet information. In order to use the E-Timesheets submission interface, a consumer, their surrogate (if applicable) and each PCA must sign an E-Timesheets Agreement which states that they both have a valid, separate e-mail addresses, and agree to use the E-Timesheet submission interface as a method of submitting time. **E-Timesheet Users enrolled in Direct Deposit can receive their payment as early as Wednesday by submitting timesheets by midnight Sunday.** Follow these steps to access the E-Timesheet Agreement:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **Timesheets**
4. Select **Etimesheet**

Earned Paid Time Off: Personal Care Attendants (PCAs) are eligible for Earned Paid Time Off (PTO) effective July 1, 2019.

- PCAs will earn 1 hour of PTO for every 30 hours worked. PCAs can accrue up to 50 hours of PTO.
- 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 purposes of PTO, a year is defined as the state fiscal year (July 1 – June 30). The accrual is determine by adding all the hours work as a PCA across all consumer employers in the MassHealth PCA Program.
- A PCA can view his or her unused accrued PTO balance at the iSolved web portal at <https://www.OnlineEmployer.com/feapca>

More detailed information regarding Earned PTO is available on our website. Follow these steps to access the information:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **FAQs**
4. Select **What is Earned Paid Time Off (PTO)**

Accrued Paid Time Off – Day/Eve Hours: Earned Paid Time Off accruals begin with the PCAs date of hire. A PCA can begin utilizing **accrued** Earned Paid Time Off Time immediately.

Accrued Paid Time Off – Night Hours: Earned Paid Time Off accruals can be used for Night Hours **if the consumer is approved for Night Hours** (see Time Worked – Night Hours on page 2).

PCAs using Paid Time Off will not receive overtime or other premium rates.

Fill-In Version of the Paid Time Off Timesheet: A version of the Fiscal Intermediary Paid Time Off timesheet is available on our website. Follow these steps to access this form:

1. Go to our website – <http://tempusunlimited.org/>
2. Select **Fiscal Intermediary Program – (CDC, MFP, PCA or VIP)**
3. Scroll down to **Timesheets**
4. Select **FI Paid Time Off (PTO) Timesheet**

Paid Time Off can only be reported on the Paid Time Off Timesheet. Any paid time reported on a Regular Activity Form will not be processed for payment.

Earned Sick Time Notice to Employees: As an employer in Massachusetts, you are required to post this Notice where your PCAs can see it.

DUA: Also enclosed please find copies of the form from the Division of Unemployment Assistance (DUA) that you are required to give to each employee who leaves employment with you. Complete the front of each form with your name. Leave the DUA number and Federal Employer ID Number lines blank. When we receive notification of your DUA number, we will send it along to you.

Workers Compensation: The Tempus Unlimited, Inc. FI Program provides each consumer with a Workers' Compensation Policy. Any PCA who is providing services for a consumer must be notified that they are eligible for Workers Compensation should they be injured while working for a consumer. The Workers' Compensation carrier information can be found on the Workers' Compensation Notice enclosed in your employment package.

Emergency Notification System (Rave): We will use the system to notify you of office closings, important updates and other information that we need to provide quickly.

PCA New Hire Forms: There are additional W-4, I-9, PCA Signature Forms, PCA Noncovered Services Attestation Form, Notice, PCA Job Description, Direct Deposit and Debit Card Applications for your use. As you hire new PCAs, have them **complete all of the forms** and send them to Tempus Unlimited, Inc., as soon as possible. **Please keep in mind that you are obligated to inform your PCAs that they must receive their net pay by direct deposit or debit card.**

Holidays Wages: PCAs are paid 1.5 times the regular pay rate when they work on New Year's Day, July 4th, Thanksgiving Day and Christmas Day. The consumer must be approved for holiday hours. If the PCA is asked to work on a holiday, the consumer must ensure they have adequate holiday hours remaining on their prior authorization. PCAs should confirm with their consumer about the availability of holiday hours **prior** to working a holiday. If there are no holiday hours remaining, then the PCA will be paid at the regular day rate by the FI.

PCA Union Applications: Enclosed are 1199SEIU Official Membership Applications, including the Final 2008 Beck Report, Hudson Notice, 2008 Audit Series 2 and 456 CMR Division of Labor Relations file.

Your PCA should complete and mail all forms directly to the union. DO NOT send these applications to Tempus Unlimited, Inc.

If you have any questions, please contact Tempus Unlimited, Inc. toll free at 1-877-479-7577 Monday through Friday between the hours of 7:30AM and 4:30PM. One of our Consumer Relations Specialists will be happy to assist you.



Top 10 Reasons Timesheets are Not Processed

PROBLEM		SOLUTION
1.	Invalid pay period	Use correct start and end dates
2.	Missing/copied signature	Original PCA/Consumer signatures
3.	AM/PM missing	Fill in circle each time entered
4.	Day/Night hours total missing	Enter totals for each shift
5.	12AM/PM errors	Noon = 12PM, Midnight = 12AM
6.	Wrong pay schedule	Verify consumer schedule
7.	Fax errors – cut off, too light	View fax receipt
8.	Daily totals not correct	Verify total against start/end times
9.	AM/PM Inconsistent	Validate that shift times make sense
10.	Submitted before hours worked	Complete all shifts before submission

How do I ensure my Timesheet gets processed accurately and quickly?

- Do a final review before submitting the timesheet
- Sign up to use Electronic Timesheet System

TEMPUS UNLIMITED, INC., 600 Technology Center Drive, Stoughton, MA 02072
 Toll-free Phone #: 1-877-479-7577 Toll-free Fax #: 1-800-359-2884

Sign up for electronic timesheets - FAST, EASY, ACCURATE!
<https://tempusunlimited.org/etimesheet/>

Payroll Period From: / / To: / /
 Consumer #: Telephone #:

PCA Name (Print): _____
 PCA Telephone #: _____
 PCA Last 4 Digits of SSN:

Consumer Name (Print): _____

42335

WEEK #1	Time In		Time Out		Tot. Day/Eve Hours 6AM to Midnight		Tot. Night Hrs Midnight-6AM	
	HRS	MIN.	HRS	MIN.	HRS	MIN.	HRS	MIN.
Sun.								
Mon.								
Tue.								
Wed.								
Thu.								
Fri.								
Sat.								
Total Week 1								
Please note that Tempus pays the PCA based on daily, not weekly, totals.								
Sun.								
Mon.								
Tue.								
Wed.								
Thu.								
Fri.								
Sat.								
Total Week 2								
Please note that Tempus pays the PCA based on daily, not weekly, totals.								

By signing below, I certify under pain and penalty of perjury that I have received MassHealth PCA services from the PCA during the times described on this activity form; and I am not enrolled in Adult Foster Care and/or Group Adult Foster Care.

Consumer/Surrogate Signature _____

By signing below, I certify under pain and penalty of perjury that I have provided MassHealth PCA services to the consumer during the times described on this activity form.

PCA Signature _____

Important Information: Please Read

It is strongly recommended for Consumers and PCAs to use Tempus' electronic timesheet system, which is available at:

<https://tempusunlimited.org/etimesheet/>

- Noncovered Services:** MassHealth does not pay for noncovered services as defined at 130 CMR 422.000, including activity time performed by a PCA while the Consumer is in an inpatient setting, including, but not limited to, hospitals, rehabilitation centers, skilled nursing facilities, etc. Activity time performed by a PCA while the Consumer is in an inpatient setting may be referred to the Office of the State Auditor Bureau of Special Investigations.
- False or incorrect activity time:** MassHealth reserves the right to deny or recoup payment for false or incorrect activity time, in addition to taking further action, which may include, but is not limited to, skills training, imposing a new or different Surrogate, or termination from the PCA Program.
- Consumer's liability for payment:** The Consumer is personally responsible for paying their PCAs in circumstances where the Consumer/Surrogate has required a PCA to work and:
 - There are insufficient units left on the PA;
 - The Consumer was not MassHealth eligible on the dates of service on the timesheet;
 - The PCA is on the Office of Inspector General's List of Excluded Individuals or Entities (LEIE); or
 - The PCA provided noncovered services.
- Proper utilization of PA:** Consumers/Surrogates are responsible for scheduling PCA services in accordance with the number of Day/Evening hours and Night hours authorized by MassHealth. Consumers/Surrogates must ensure the accuracy of all PCA activity time listed on time sheets prior to submission for payment.
- Direct deposit requirement:** Consumers/Surrogates must inform PCAs of the requirement to have PCA payments direct-deposited into the PCA's bank account.
- Complete all information on the time sheet:** There are 3 lines of boxes per day to indicate the hours and minutes that a PCA has worked. There are also circles that indicate if the PCA worked during A.M. or P.M. hours. If more than 3 lines of In and Out times are needed for a single day, please use a second time sheet and fill in all the required information concerning the Consumer, PCA, Payroll Period, and Signatures. A time sheet without all this information cannot be processed.

Instructions

Please fill in all required information. A timesheet without all this information cannot be processed.

- General information:** Enter the payroll period dates, names, and other required information on the time sheet. Please note: The payroll period runs for 2 weeks; it always starts on a Sunday at Midnight (12:00 A.M.) and runs through the second Saturday at 11:59 P.M. Please check the payroll schedule for dates.
- Day/Evening hours worked:** Hours worked from 6:00 A.M. through 11:59 P.M. are considered Day/Evening hours. Record actual time in and time out for all Day/Evening hours. Consecutive tasks should be reported as one collective time period (e.g., when multiple tasks are performed with no time between). Then calculate the daily totals, which must be rounded up to the next 15-minute increment. For example, if a PCA works for 1 hour & 10 minutes, that day's total must be rounded up to 1 hour & 15 minutes. Please see the example below for guidance to complete the form.
- Night hours worked, if authorized:** Hours worked from Midnight (12:00 A.M.) through 5:59 A.M. are considered Night Hours. Record actual time in and time out for all Night hours. Consecutive tasks should be reported as one collective time period (e.g., when multiple tasks are performed with no time between). Then, calculate the total per night, which must be rounded up to the next hour with a minimum of two hours per night. Please see the example below for guidance to complete the form. Please note: MassHealth does not cover more hours than what is authorized per night.
- Time sheet submission:** Please fax or deliver this form by 4:00 P.M. on the Monday after the payroll period ends to ensure timely direct deposits and checks. Please, do not send the time sheet twice. Time sheets mailed or faxed before the hours are worked will not be processed.
- Marking Instructions:** For optimum accuracy, please:
 - Write in Blue or Black Pen Only.
 - Write numbers as large and legible as possible without touching sides of boxes.
 - Mark circles by filling them in like this: (DO NOT check P or O them.)
 - When recording hours and minutes in the Tot. Day/Eve Hours column, be sure to use hours plus minutes. 1:00PM to 2:30PM is 01:30, (not 1 ½ or 1.5.)
 - If you have any questions, please call the FI or your case manager for clarification before submitting the time sheet.

Example:

WEEK PT.	Time In		Time Out		Tot. Day/Eve Hours 6AM to Midnight		Tot. Night Hrs Midnight-6AM		Tot. Day/Eve Hours 6AM to Midnight		Tot. Night Hrs Midnight-6AM	
	HRS	MTN.	HRS	MTN.	HRS	MTN.	HRS	MTN.	HRS	MTN.	HRS	MTN.
Sun.	12:00	00	1:15	00	1	15	2		8	45		
	3:00	00	9:00	00	6	00						
Mon.	9:00	00	1:15	00	2	15			2	00		2
	12:15	00	12:30	00					9	30	10	40
Tue.	1:00	00	1:30	00			2		12	00	1	05
	1:00	00	7:25	00	6	30						

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Sign up for electronic timesheets - FAST, EASY, ACCURATE!
<https://tempusunlimited.org/etimesheet/>

Payroll Period From: / / To: / /
 Consumer #: Telephone #: _____

PCA Name (Print): _____
 PCA Telephone #: _____
 PCA Last 4 Digits of SSN:



52763

USE FOR PAID TIME OFF ONLY* *UTILIZAR SOLAMENTE PARA TIEMPO LIBRE PAGADO

Please record the hours your PCA was scheduled to work but instead is requesting Paid Time Off.

Por favor escriba las horas que su PCA estaba designado a trabajar, pero en lugar esta solicitando Tiempo Libre Pagado.

WEEK #1	Scheduled Time In	Scheduled Time Out	Tot.Day/Eve Hours 6AM to Midnight	Tot. Night Hrs Midnight-6AM
HRS	MIN.	HRS	MIN.	HRS
Sun.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Mon.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Tue.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Wed.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Thu.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Fri.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Sat.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Total Week 1	Please note that Tempus pays the PCA based on daily, not weekly, totals.		<input type="text"/> : <input type="text"/>	<input type="text"/> <input type="text"/>

WEEK #2	Scheduled Time In	Scheduled Time Out	Tot.Day/Eve Hours 6AM to Midnight	Tot. Night Hrs Midnight-6AM
HRS	MIN.	HRS	MIN.	HRS
Sun.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Mon.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Tue.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Wed.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Thu.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Fri.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Sat.	<input type="radio"/> AM <input type="radio"/> PM	<input type="radio"/> AM <input type="radio"/> PM		<input type="checkbox"/>
Total Week 2	Please note that Tempus pays the PCA based on daily, not weekly, totals.		<input type="text"/> : <input type="text"/>	<input type="text"/> <input type="text"/>

By signing below, I certify under pain and penalty of perjury that I was scheduled to receive MassHealth PCA services from the PCA during the **Paid Time Off** taken as indicated on this activity form; and I am not enrolled in Adult Foster Care and/or Group Adult Foster Care.

By signing below, I certify under pain and penalty of perjury that I was scheduled to provide MassHealth services to the consumer during the **Paid Time Off** taken, as indicated on this activity form. I understand I must have accrued Paid Time Off in order to receive Paid Time Off.

Consumer/Surrogate
 Signature

PCA
 Signature

Important Information: Please Read

It is strongly recommended for Consumers and PCAs to use Tempus' electronic timesheet system, which is available at:

<https://tempusunlimited.org/etimesheet/>

- False or incorrect activity time:** MassHealth reserves the right to deny or recoup payment for false or incorrect activity time, in addition to taking further action, which may include, but is not limited to, skills training, imposing a new or different Surrogate, or termination from the PCA Program.
- MassHealth Regulations** state that the Consumer has a responsibility to utilize PCA Services in accordance with the number of Day/Evening hours per week and Night hours per night authorized by MassHealth. Prohibits payment to any PCA whose name appears on the Office of Inspector General (OIG) List of Excluded Individuals and Entities (LEIE).
- Direct deposit requirement:** Consumers/Surrogates must inform PCAs of the requirement to have PCA payments direct-deposited into the PCA's bank account.
- Complete all information on the time sheet:** There are 2 lines of boxes per day to indicate the hours and minutes that a PCA has worked. There are also circles that indicate if the PCA worked during A.M. or P.M. hours. If more than 2 lines of In and Out times are needed for a single day, please use a second time sheet and fill in all the required information concerning the Consumer, PCA, Payroll Period, and Signatures. A time sheet without all this information cannot be processed.

Instructions for Paid Time Off (PTO) Activity Form Timesheet

Please fill in all required information. A timesheet without all this information cannot be processed.

- Record the PTO time:** PTO time *MUST* reflect the *scheduled time the PCA was to work*. PTO time must be reported in 15-minute increments on the Paid Time Off Activity Form Timesheet or the Fiscal Intermediary will round the time up to the next 15-minute increment. Please complete the timesheet indicating the PTO time taken on each day, making sure to put in and out times (representing the start and end of the PTO).
 - There are 2 lines of boxes per day to record the PTO time that the PCA was scheduled to work, with circles to record AM or PM. The time the *PCA was scheduled to start*, "Time In" should be recorded in hours and minutes and the circle for AM or PM should be filled in completely. Next, the time that PCA was *scheduled to leave*, "Time Out" should be recorded in hours and minutes and the circle for AM or PM should be filled in. Then, the total time for that shift that the PCA was *scheduled to work* should be recorded in hours and minutes. For example, 8:00 AM to 10:15 AM equals a total time of 2:15
- PTO for Night Hours, if authorized:** Hours worked from Midnight (12:00 A.M.) through 5:59 A.M. are considered Night Hours. Please record the total amount of time your PCA was scheduled to perform Night hours. For example, if your PCA was scheduled to work from Monday 10:00 PM to Tuesday 2:00 AM, you should list two PTO Day/Evening Hours on Monday (to cover from 10:00 PM until 11:59 PM) and two PTO Night Hours on Tuesday (to cover from 12:00 AM until 2:00 AM). Please see the example below for guidance to complete the form. Please note: MassHealth does not cover more hours than what is authorized per night.
- Time sheet submission:** Please fax or deliver this form by 4:00 P.M. on the Monday after the payroll period ends to ensure timely direct deposits and checks. Please, do not send the time sheet twice. Time sheets mailed or faxed before the hours are worked will not be processed.
- Marking Instructions:** For optimum accuracy, please:
 - Write in Blue or Black Pen Only.
 - Write numbers as large and legible as possible without touching sides of boxes.
 - Mark circles by filling them in like this: (DO NOT check V or X them.)
 - When recording hours and minutes in the Tot. Day/Eve Hours column, be sure to use hours plus minutes. 1:00PM to 2:30PM is 01:30, (not 1 ½ or 1.5)
 - if you have any questions, please call the FI or your case manager for clarification before submitting the time sheet.

Example:

PTO time MUST reflect the scheduled time the PCA was to work

WEEK #	Scheduled Time In		Scheduled Time Out		Tot. Day/Eve Hours 6AM to Midnight		Tot. Night Hrs Midnight-6AM	
	HR	MIN.	HR	MIN.	HR	MIN.	HR	MIN.
1	12	00	11	15	1	15	2	
Sun.	1	00	11	15	1	15		
Mon.	1	00	12	00	2	00		
Tue.	1	20	2	00	7	30	6	30
	1	00	7	30				

WEEK #	Scheduled Time In		Scheduled Time Out		Tot. Day/Eve Hours 6AM to Midnight		Tot. Night Hrs Midnight-6AM	
	HR	MIN.	HR	MIN.	HR	MIN.	HR	MIN.
2	8	45	4	45	4	45	8	45
Sun.	8	45	4	45	4	45		
Mon.	1	00	1	30	1	30		2
Tue.	9	30	10	45	1	15	1	15
	12	00	1	15				



TO: Consumers of the PCA Program

FROM: Fiscal Intermediary Department

RE: Workers' Compensation for Employees

The Tempus Unlimited, Inc. Fiscal Intermediary Department provides each consumer with Workers' Compensation Insurance in the event an employee becomes injured while working for a consumer. Consumers are required to notify employees that they are eligible for Workers' Compensation along with the necessary information to report an injury.

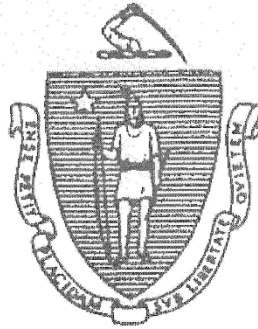
On the reverse side of this notice, please find a *NOTICE TO EMPLOYEES* that has been completed with the name and address of the Insurance Company along with the name and address of the Insurance Agent. Each consumer must complete the Employer section (consumer name) and Address section (consumer address) and post the *NOTICE TO EMPLOYEES* in a suitable public area on their premises. This notice is also available on our website at <http://www.tempusunlimited.org/>

The following is information you need to know about your Workers' Compensation Policy:

Atlantic Charter
25 New Chardon St.
Boston, MA 02114

If an employee should become injured while working for you please advise them to contact Atlantic Charter Insurance Company at 617-488-6500.

**NOTICE
TO
EMPLOYEES**



**NOTICE
TO
EMPLOYEES**

**The Commonwealth of Massachusetts
DEPARTMENT OF INDUSTRIAL ACCIDENTS**

600 Washington Street, Boston, Massachusetts 02111

617-727-4900 - <http://www.mass.gov/dia>

As required by Massachusetts General Law, Chapter 152, Sections 21, 22 & 30, this will give you notice that I (we) have provided for payment to our injured employees under the above-mentioned chapter by insuring with:

Atlantic Charter Insurance Company 617-488-6500

NAME OF INSURANCE COMPANY

25 New Chardon Street, Boston, MA 02114

ADDRESS OF INSURANCE COMPANY

POLICY NUMBER

EFFECTIVE DATES

HUB International, 229 Ballardvale St., Wilmington, MA 01887 978-657-5100

NAME OF INSURANCE AGENT

ADDRESS

PHONE #

EMPLOYER

ADDRESS

EMPLOYER'S WORKERS' COMPENSATION OFFICER (IF ANY) DATE

MEDICAL TREATMENT

The above-named insurer is required in cases of personal injuries arising out of and in the course of employment to furnish adequate and reasonable hospital and medical services in accordance with the provisions of the Workers' Compensation Act. A copy of the First Report of Injury must be given to the injured employee. The employee may select his or her own physician. The reasonable cost of the services provided by the treating physician will be paid by the insurer, if the treatment is necessary and reasonably connected to the work related injury. In cases requiring hospital attention, employees are hereby notified that the insurer has arranged for such attention at the

Nearest Hospital to Consumer's Home

NAME OF HOSPITAL

ADDRESS

TO BE POSTED BY EMPLOYER

What is Unemployment Insurance?

Unemployment Insurance (UI) is a temporary income assistance program for Massachusetts workers who have lost their jobs through no fault of their own, and are:

- Able to work
- Available for work, and
- Actively looking for work

Funding for UI benefits comes from quarterly contributions paid by the state's employers to the Department of Unemployment Assistance (DUA). Employees do not contribute to unemployment insurance.

When should you apply for UI benefits?

If you have been separated from work, or your hours have been reduced, you should file a claim for UI benefits **during your first week** of total or partial unemployment. Your claim will begin on the Sunday of the calendar week in which your claim is filed. This date is known as the effective claim date.

You will not be paid benefits for any week of unemployment preceding the effective date of your claim.

Important note:

You may request benefits only if you are in the United States, its territories, or Canada. You should not request benefits for any week you are outside the United States, its territories, or Canada.

This pamphlet includes important information on how to apply for Unemployment Insurance benefits.

Este folleto contiene información importante sobre cómo solicitar los beneficios del Seguro de Desempleo.

Este panfleto contém informações importantes sobre como registrar-se para receber benefícios de subsídio de desemprego.

Данный проспект содержит важную информацию о процессе подачи заявления на получение Страхового пособия по безработице.

Livré sa gen enfomasyon enpòtan sou fason pou aplike pou Benefis Asirans Chomaj yo.

Il presente opuscolo contiene importanti informazioni riguardanti la modalità di richiesta per l'indennità di disoccupazione.

Cette brochure comporte d'importants renseignements sur la façon de demander des prestations d'assurance-chômage.

ကျွန်ုပ်တို့သည် အရေးကြီးသော အချက်အလက်များကို ဖော်ပြထားပြီး ဤအချက်အလက်များကို အသုံးပြုရန် အရေးကြီးပါသည်။

คู่มือ sách mỏng này bao gồm thông tin quan trọng về cách nộp đơn xin bảo hiểm thất nghiệp

આવું જોઈએ તો આ પુસ્તકમાં મહત્વના માહિતીઓ આપવામાં આવેલ છે.

આ પુસ્તકમાં મહત્વના માહિતીઓ આપવામાં આવેલ છે.

ကျွန်ုပ်တို့သည် အရေးကြီးသော အချက်အလက်များကို ဖော်ပြထားပြီး ဤအချက်အလက်များကို အသုံးပြုရန် အရေးကြီးပါသည်။

这本小册子包括如何申请失业保险金的重要信息。

이 팜플렛에는 실업 보험 급여에 대한 중요한 정보가 들어 있습니다.

يحتوي هذا الكتيب على معلومات هامة حول كيفية التقدم للحصول على منافع تأمين البطالة.

Equal opportunity employer program

Auxiliary aids and services are available upon request to individuals with disabilities. For hearing-impaired relay services, call 711.



Form 0590-A Rev. 1-26-18



To Massachusetts Workers: How to File a Claim for Unemployment Insurance Benefits

To Massachusetts employers:

Under the state's Employment and Training Law, M.G.L. Chapter 151A, you must provide a copy of this pamphlet as soon as practicable, but no more than 30 days, from the last day the employee performed compensable work. You must provide this pamphlet to each of your employees who is separated from work, permanently or temporarily. Please complete the information below:

Employer name

Mailing address

Phone number

Federal employer ID number



File Online

To file your new UI claim or reopen an established claim online, visit our website at: www.mass.gov/dua/uionline.

1. Select **Log in to UI Online for Claimants**.
2. Create a UI Online account or log in to an existing account.
3. Complete all the information requested and submit your application.
4. Be sure to include your phone number and email address to make it easier for us to contact you if there are questions about your application.

UI Online is available 6:00 am to 10:00 pm, 7 days a week.

Need Help?

If you have questions about your eligibility, please review the eligibility requirements online at: www.mass.gov/dua/eligibility.

For assistance creating a UI Online account, visit: www.mass.gov/dua/fileclaim.

Information Needed to File a Claim

To apply for unemployment, you need to provide personal information including your Social Security number, birth date, home address, email address, and phone number.

You also need information about your employment history from the last 15 months, including:

- Names of all employers, plus addresses and phone numbers
- Reasons for leaving those jobs
- Work start and end dates
- Recall date (if you were laid off but have a set date to return to work)

You may need additional information in certain situations:

- If you are not a U.S. citizen — your Alien Registration number or verification that you are legally allowed to work in the United States.
- If you have dependent children — their birth dates and Social Security numbers
- If you're in a union — your union name and local number
- If you were in the military — your DD-214 Member 4 form. If you don't have it, you can request your DD-214 online at www.dd214.us.

To receive payments by direct deposit, you'll need your bank name, account number and routing number. Otherwise, DUA will send you a debit card.



File by Phone

To file your new UI claim or reopen an established claim by phone, you can:

- Schedule a callback from the TeleClaim Center by visiting our website at: www.mass.gov/dua/schedulecallback.
- Call the TeleClaim Center at (617) 626-6800 or toll-free at (877) 626-6800. Please adhere to the call-in schedule below.

The TeleClaim Center is available 8:30 am to 4:30 pm, Monday through Friday.

Last digit of your Social Security Number:	Assigned day to call the TeleClaim Center:
0, 1	Monday
2, 3	Tuesday
4, 5, 6	Wednesday
7, 8, 9	Thursday
Any last digit	Friday



MassHealth Fraud Fact Sheet

All MassHealth PCA consumers have a responsibility to be sure that they, or their surrogates, are managing their PCA service in accordance with rules and regulations of the PCA program. Fraud is a crime and it wastes money and can weaken the PCA program. Any suspicion of fraud must be reported to the Office at the State Auditor's Bureau Investigations (BSI) for further investigation and action.

Their number is 1-617-727-6771. Tempus Unlimited, Inc. are required to report any suspicion of fraud on the part of the consumer, a PCA, a surrogate, or other party.

Some Tips in Managing your PCA Program Successfully:

1. Make sure that your timesheet is filled out accurately and only for time that your PCA actually worked.
2. If you are hospitalized, your PCA can be paid for taking you to the hospital and picking you up, but cannot be paid for any of the time you are admitted to the hospital.
3. MassHealth can only pay your PCA for doing tasks that are approved on your Prior Authorization.
4. You must pay you PCA for all hours worked, even if you think your PCA didn't do a good job. If you do not pay your PCA, your PCA has the right to file a complaint for nonpayment of wages with the Attorney General's Fair Labor Division. Fees are imposed to consumers who are found guilty.
5. Be sure to schedule your PCAs appropriately for the amount of time you are approved. Do your best to submit timesheets for the weekly approved amounts so that your care can be provided for the entire Authorization Period and you won't run out early.
6. The FI will not pay your PCAs and you will be responsible for paying them if:
 - You lose your MassHealth eligibility for the dates that your PCA worked.
 - Your Prior Authorization has expired and has not been renewed.
 - You do not have enough units on your Prior Authorization to cover the hours worked by your PCA.



Important Tax Information

While on the PCA program, you may receive in the mail various forms from certain government agencies. For example: Massachusetts Division of Unemployment Assistance (DUA), the Internal Revenue Service (IRS) and the Massachusetts Department of Revenue (DOR), to name a few.

At no time should there ever be any financial charges to a consumer personally, and we never expect you to remit any monies in response to these notices. If you receive anything stating money is owed, immediately fax or email it to the **Fiscal Intermediary** office at:

Tempus Unlimited, Inc.
600 Technology Center Drive
Stoughton, MA 02072
www.tempusunlimited.org
Toll-Free Phone #: 1-877-479-7577 Toll-Free Fax #: 1-800-359-2884

We will take care of the situation

Tempus pays your Unemployment Insurance, Social Security/Medicare and Workers' Compensation Insurance for your PCA program, and also pays quarterly withholding taxes to the IRS on your behalf. Any paperwork you may receive regarding filing quarterly taxes should be disregarded ***unless there is a monetary demand for payment of quarterly taxes***. In that case, please forward said forms directly to this office and we will resolve the issue.

You may receive blank forms at the end of each quarter (March, June, September and December) on which to file quarterly taxes. Since WE FILE THESE ELECTRONICALLY FOR YOU through our payroll company, you may throw them away. Again, if you do receive a notice from the IRS that these taxes have not yet been paid, showing a dollar amount due, please mail or fax to us and we will research and resolve the problem.

We hope that this will ease your mind regarding various notifications you may receive. If you have any questions, feel free to call Tempus.



Termination of a PCA

- Communicate clearly the date the PCA is no longer needed.
- Obtain signature on the last timesheet worked.
- Complete a Change Form (Request Form from FI)
- Submit the Timesheet and Change Form to the FI Department
- Provide the PCA with Unemployment Information “How to File for Unemployment Benefits”



Fiscal Intermediary

PCA/Worker Employment Termination Form

Employer (Consumer) Information:			
Consumer Number		Consumer Name	
Phone Number		Email Address	

Worker (PCA) Information			
Name		Last 4 of SSN	
Address		Phone #	

Check this box if this is an updated PCA/Worker address.

****Date of Separation**:** _____
(Date of Separation is defined as the last day that the PCA/Worker was employed by this Consumer.)

Reason for Termination (Check one reason)	
<input type="radio"/> Quit	<input type="radio"/> Laid Off
<input type="radio"/> Lack of Work	<input type="radio"/> Leave of Absence
<input type="radio"/> Death	<input type="radio"/> Fired
<input type="radio"/> Discharged	<input type="radio"/> Not Qualified
<input type="radio"/> Misconduct	<input type="radio"/> Other

If other, please explain: _____

Employer (Consumer/Surrogate) Signature: _____ Date: _____

**Required if no PCA/Worker Signature*

Worker (PCA) Signature: _____ Date: _____

**Require if no Consumer/Surrogate Signature and if PCA/Worker is using this form to also request a mailing address update*

Check this box to indicate that you are no longer employed by any consumers in the PCA Program across all FI's.

**It is the Consumer/Surrogate responsibility to notify the Fiscal Intermediary promptly if any PCA/Worker leaves or is terminated as an employee.*

The Massachusetts Wage Act requires employers to pay earned but unused paid time off if a PCA/Worker leaves or is terminated from employment. **CDC Workers are not eligible for PTO Payouts*

**This form can be submitted to the Fiscal Intermediary by either the Consumer employer or PCA/Worker. It is preferred if the form is signed by both the consumer employer and the PCA/Worker but the Fiscal Intermediary will accept the form if it is signed by one of the parties.*



Intermediario Fiscal

Formulario de Terminacion de empleo de PCA/Trabajador

Empleador(Consumidor) Informacion:			
Número de Consumidor		Nombre de Consumidor	
Número de Telefono		Correo Electronico	

Trabajador (PCA) Informacion:			
Nombre		Últimos 4 de SSN	
Dirección		Número de Telefono	

Marque esta casilla si esta es una dirección PCA/Trabajador actualizada.

****Fecha de Separación**:** _____
(Fecha de separación se define como el ultimo día que se empleó PCA/Trabajador para este Consumidor.)

Motivo de Rescision (Check one reason)	
<input type="radio"/> Renunciar	<input type="radio"/> Despedido (Laid Off)
<input type="radio"/> Falta de Trabajo	<input type="radio"/> Excedencia
<input type="radio"/> Muerte	<input type="radio"/> Despedido (Fired)
<input type="radio"/> Descargado	<input type="radio"/> No Calificado
<input type="radio"/> Mala Conducta	<input type="radio"/> Otro

Si es otro, por favor explique: _____

Empleador (Consumidor/Sustituto) Firma: _____ **Fecha:** _____

Requerido si no hay firma de PCA/Trabajador

Trabajador (PCA) Firma: _____ **Fecha:** _____

Requerido si no hay firma del consumidor/sustituto y si PCA/Trabajador esta utilizando este formulario para solicitar también una actualizacion de la dirección postal

Marque esta casilla para indicar que ya no está empleado por ningún consumidor en el programas PCA/CDC en todos los intermediarios fiscales en el estado.

**Es responsabilidad del Consumidor/Sustituto notificar al Intermediario Fiscal de inmediato si algún PCA/Trabajador se va o es despedido como empleado.*

** La Ley de Salarios de Massachusetts requiere que los empleadores paguen el tiempo libre remunerado ganado pero no utilizado si un PCA deja o es despedido de su empleo. **Los trabajadores de los CDC no son elegibles para los pagos de PTO.***

**Este formulario puede ser enviado al intermediario fiscal por el empleador del consumidor o PCA. Se prefiere que el formulario sea firmado tanto por el empleador consumidor como por el PCA/Trabajador, pero el intermediario fiscal aceptará el formulario si lo firma una de las partes.*

600 Technology Center Drive, Stoughton, MA 02072
Toll-Free Phone #: 1-877-479-7577
Rev. 10/13/2021

www.tempusunlimited.org
Toll-Free Fax #: 1-800-359-2884



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Office of Long Term Services and Supports
One Ashburton Place, 5th Floor
Boston, Massachusetts 02108



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

DANIEL TSAI
Assistant Secretary for
MassHealth
www.mass.gov/eohhs

KENNETH J. SMITH
Director

TO: **All Consumers of PCA Services**
FROM: Ken Smith, Director of the Office of Long Term Services and Supports
DATE: May 29, 2015
RE: Implementation of Personal Care Attendant Earned Sick Leave

Effective July 1, 2015, Personal Care Attendants shall be eligible for Earned Sick Leave. Draft Regulations 940 CMR 33.0 can be viewed at <http://www.mass.gov/ago/earnedsicktime>

You, as a consumer of PCA services, and the employer of your PCA(s), will receive Functional Skills Training from your PCM Agency on the following,

- a. How Earned Sick Time is earned (accrued), can be used by your PCA(s).
- b. General Provisions of Earned Sick Time, included below.
- c. When used by your PCA(s), Sick Leave *is not* deducted from your authorized hours for PCA Services.
- d. How to complete and submit the Sick Leave Timesheet Activity Forms to your Fiscal Intermediary.
- e. Ensuring you have individuals on your PCA Back-up list, for when your PCA(s) may be out sick.
- f. Should your PCA(s) have questions regarding their accrued Sick Leave, they should contact the Fiscal Intermediary, or visit the PayChoice web portal at: <https://www.OnlineEmployer.com/feapca>
- g. Consequences of any fraudulent use of Earned Sick Time.

Sick time can only be reported on the PCA Sick Time Activity Form Time Sheet. Any sick time reported on a Regular Activity Form Time Sheets will not be processed for payment. You may obtain PCA Sick Time Activity Forms from your Fiscal Intermediary.

General Provisions of Earned Sick Time:

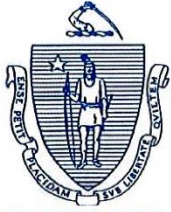
General Provisions are subject to the Final Regulations as promulgated by the Attorney General of Massachusetts.

- PCAs will earn 1 hour of earned sick time for every 30 hours worked. PCAs can accrue up to 40 hours of earned sick time in a calendar year. The 40 hours include any hours rolled over from the previous year.
- The “calendar year” for tracking accrual, use, and carryover of earned sick time is any consecutive 12-month period of time as determined by MassHealth.
- PCAs may carry over up to 40 hours of unused earned sick time to the next year.
- Under the law, all PCAs who work enough hours must be allowed to accrue 40 hours per year of earned sick time. PCAs must also be allowed to use up to 40 hours per year of that accrued time.
- PCAs begin accruing sick time from their first date of actual work.
- A PCA can begin *utilizing* Earned Sick Time, 90 days *after* the PCA started working for a consumer or consumers of PCA Services in the MassHealth Personal Care Attendant Program.
- Under the law, Earned Sick Time can be used for the following reasons:

- 1) To care for the PCAs child, spouse, parent, or parent of a spouse who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
 - 2) To care for the PCAs own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care;
 - 3) To attend the PCAs routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or
 - 4) To address the psychological, physical or legal effects of domestic violence.
- A PCA retains the right to use any accrued sick time after a break in service, whether voluntary or not, ***for up to one year from the last date of work if the PCA returns to work.***
 - PCAs are entitled to use earned sick time in 15 minute increments. However, if a PCAs absence from work at a designated time requires the MassHealth Member to use a back-up PCA and the MassHealth Member does so, the MassHealth Member may require the PCA using sick time to take up to a full shift of Earned Sick Time.
 - PCAs must make a good faith effort to provide reasonable notice of the need in advance of the use of earned sick time. Reasonable notice may include the MassHealth Member's reasonable notification system that the PCA customarily uses to communicate with you, the employer, for absences or requesting leave. If you, the employer do not have an existing policy and procedure for providing reasonable notice, you, the employer must establish such a policy or procedure, preferably in writing. The policy or procedure should enable your PCA(s) to effectively provide reasonable notice in a way that can be documented.
 - If a PCA anticipates a multi-day absence from work, you, the employer may require notification on a daily basis from the PCA or the PCAs proxy (e.g. spouse, adult family member or other responsible party), unless the circumstances make such notification infeasible.
 - Fraud or abuse by engaging in an activity that is not consistent with allowable purposes for leave (e.g. being sick, caring for an ill family member) or by exhibiting a pattern of taking leave on days when the PCA is scheduled to perform duties perceived as undesirable, must be reported to the Bureau of Special Investigations at 617-727-8638 and the employer may discipline the PCA for misuse of sick leave.
 - If a PCA is absent for medical reasons, you, the employer, may require a statement from a health care provider that the absence was for a purpose covered by the law. A PCA who does not have a health care provider may sign a written statement that earned sick time was needed for a reason covered by the law.
 - If the PCA is absent from work due to domestic violence, you, the employer must accept any of the following:
 - 1) A restraining order or other order issued by a court;
 - 2) A police record documenting the abuse;
 - 3) A document showing that the abuser has been convicted of a violent crime against a family or household member;
 - 4) Medical documentation of the abuse;
 - 5) A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the individual in addressing the effects of the abuse on the individual or the individual's family; or
 - 6) A signed, written statement from the individual that abuse took place.

MassHealth AND you, the employer ***cannot require*** further information about the employee's medical condition or details of the domestic violence.

- MassHealth and MassHealth Member/Consumers, cannot retaliate against a PCA for using earned sick time, for exercising or attempting to exercise rights under the law, including: requesting and using sick leave; filing a complaint for alleged violations of the law; communicating with any person, including coworkers, about any violation of the law; participating in an administrative or judicial action regarding an alleged violation of the law; or informing another person of that person's potential rights. Retaliation is illegal.



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Office of Long Term Services and Supports
One Ashburton Place, 5th Floor
Boston, Massachusetts 02108



DANIEL TSAI
Assistant Secretary for
MassHealth
www.mass.gov/cohhs

KENNETH J. SMITH
Director

PARA: Todos los consumidores de los servicios de PCA

DE: Ken Smith, Director de la Oficina de Servicios y apoyo a largo plazo

FECHA: 29 de mayo del 2015

ASUNTO: Implementación del Tiempo acumulado para enfermedad (Licencia por enfermedad), para el Ayudante de atención personal

A partir del 1° de julio del 2015, los Ayudantes de atención personal (PCA) serán elegibles para obtener beneficios de Tiempo acumulado para enfermedad. Para un borrador con los reglamentos 940 CMR 33.0 refiérase a www.mass.gov/ago/earnedsicktime.

Usted, como consumidor de servicios de PCA y el empleador de su PCA(s), recibirá Capacitación de destrezas funcionales por medio de su agencia de Administración de la atención personal (PCM, por sus siglas en inglés), sobre lo siguiente.

- Cómo se obtiene el Tiempo acumulado para enfermedad y como su PCA(s) puede utilizarlo.
- Provisiones generales del Tiempo acumulado para enfermedad, incluidos a continuación.
- Cuando es usado por su PCA(s), el Tiempo acumulado para enfermedad **no es** deducido de sus horas de servicio PCA autorizadas.
- Cómo completar y presentar los Formularios de actividad de Tiempo de enfermedad a su Intermediario fiscal.
- Asegurarse que cuenta con individuos en su lista de reemplazo de PCA, para cuando su PCA(s) se encuentre enfermo.
- En caso de que su PCA(s) tenga preguntas acerca de su Tiempo acumulado para enfermedad, ella/el debe contactar al Intermediario fiscal, o visitar el portal *PayChoice* en www.OnlineEmployer.com/feapca.
- Consecuencias del uso fraudulento del Tiempo acumulado para enfermedad.

El tiempo por enfermedad solo puede ser reportado en la Hoja de asistencia de tiempo por enfermedad del PCA. Cualquier tiempo de enfermedad que se reporte en una Hoja de asistencia de Actividad ordinaria no será procesado para el pago. Puede obtener los Formularios de actividad para el Tiempo por enfermedad del PCA, de su Intermediario fiscal.

Provisiones generales del Tiempo acumulado para enfermedad

Las provisiones generales están sujetas a los reglamentos finales promulgados por el Fiscal General de Massachusetts.

- Los PCA acumularán 1 hora de tiempo para enfermedad por cada 30 horas trabajadas. Los PCA pueden acumular hasta 40 horas de tiempo para enfermedad en cada año calendario. Las 40 horas incluyen las horas sobrantes del año anterior.
- Para propósitos de control de la acumulación, uso y horas sobrantes del tiempo acumulado para enfermedad, se considera "año calendario" a cualquier período consecutivo de 12 meses, según lo determinado por MassHealth.
- Los PCA pueden trasladar hasta 40 horas no utilizadas de tiempo acumulado por enfermedad al siguiente año.
- Por ley, todos los PCA que trabajen suficientes horas, se les debe permitir acumular 40 horas al año de tiempo acumulado por enfermedad. Los PCA también podrán usar hasta 40 horas al año de ese tiempo acumulado.
- Los PCA comienzan a acumular tiempo para enfermedad desde la fecha oficial del inicio de su trabajo.
- Un PCA puede comenzar a *utilizar* su Tiempo acumulado para enfermedad 90 días *después* de que el PCA haya comenzado a trabajar para un consumidor o consumidores de servicios de PCA, del programa de Ayudante de atención personal de MassHealth.
- Por ley, el Tiempo acumulado para enfermedad puede usarse por las siguientes razones.

- 1) Para cuidar al hijo(a), al cónyuge, al padre, o padre de un cónyuge del PCA que padezca una enfermedad física o mental, una lesión o condición médica que requiera cuidado en el hogar, diagnóstico o atención médica profesional o atención médica preventiva;
 - 2) Para atender la enfermedad física o mental, lesión, o condición médica del propio PCA, que requiera cuidado en el hogar, diagnóstico o atención médica profesional o atención médica preventiva;
 - 3) Para asistir a una cita médica de rutina del PCA o una cita médica de rutina del hijo(a), del cónyuge, del padre o padre del cónyuge del PCA; o
 - 4) Para tratar los efectos psicológicos, físicos o legales de violencia doméstica.
- Un PCA retiene el derecho a usar el tiempo acumulado para enfermedad luego de un receso de servicios, sea voluntario o no, ***hasta un año después de la última fecha de trabajo, si el PCA regresa al trabajo.***
 - Los PCA tienen derecho a usar tiempo acumulado para enfermedad en incrementos de 15 minutos. Sin embargo, si en algún momento su ausencia del trabajo requiere que su empleador, el afiliado a MassHealth, necesite contratar a un reemplazo, y este en efecto utilice el servicio de otro PCA; es probable que el empleador le solicite a usted, el PCA que use el tiempo por enfermedad, esto puede requerir que usted haga uso de hasta una jornada completa de tiempo acumulado por enfermedad.
 - El PCA debe hacer un esfuerzo por obrar de buena fe y proporcionar aviso, lo más anticipadamente posible, de la necesidad de usar tiempo acumulado para enfermedad. Un aviso razonable podría implicar usar el sistema justo de notificación del afiliado a MassHealth que el PCA use normalmente para comunicarse con usted, el empleador, en caso de ausencias o solicitud de Licencia por enfermedad. Si usted, el empleador, no cuenta con una política y procedimiento para proporcionar aviso razonable, usted como empleador deberá establecer tal política o procedimiento, preferiblemente por escrito. La política o procedimiento deberá permitirle al PCA(s), proporcionar aviso de forma anticipada y eficaz, de manera que el este pueda ser documentado.
 - Si un PCA anticipa una ausencia laboral de varios días, usted, el empleador, podría solicitar una notificación diaria del PCA o de los representantes del PCA (por ej. el cónyuge, un familiar adulto u otra persona responsable), a menos que las circunstancias hagan que tal notificación sea imposible.
 - El fraude o abuso por participar en una actividad que no corresponda a los propósitos permitidos para el tiempo para enfermedad (por ej. estar enfermo(a), cuidar de un familiar enfermo) o exhibir un patrón en el que el PCA solicita estar ausente los días en los que este tiene programado realizar tareas percibidas como indeseables, debe ser informado a la Agencia de investigaciones especiales, al número 617-727-8638; y el empleador puede disciplinar al PCA por el mal uso de la licencia para enfermedad.
 - Si un PCA está ausente por motivos médicos, usted, el empleador, puede solicitar una declaración del proveedor de atención médica que establezca que la ausencia se debió a un propósito cubierto por la ley. Un PCA que no cuente con proveedor de atención médica puede firmar una declaración escrita que indique que el tiempo acumulado para enfermedad debió ser usado por un motivo cubierto por la ley.
 - Si un PCA está ausente del trabajo por razones de violencia doméstica, usted, el empleador, deberá aceptar cualquiera de los siguientes.
 - 1) Una orden de alejamiento o de otro tipo emitida por un tribunal;
 - 2) Una declaración policial que documente el abuso;
 - 3) Un documento que muestre que el abusador ha sido condenado por un crimen violento contra un familiar o un miembro del hogar;
 - 4) Documentación médica del abuso;
 - 5) Una declaración proporcionada por un consejero, un trabajador social, un trabajador de la salud, un miembro del clero, un trabajador de un albergue, un mediador legal u otro profesional que haya asistido al individuo en atender los efectos del abuso sobre este o la familia del mismo, o
 - 6) Una declaración escrita y firmada por el PCA explicando que el abuso ocurrió.

MassHealth Y usted, el empleador, ***no pueden solicitar*** más información sobre el estado médico del empleado, o detalles de la violencia doméstica.

- MassHealth y el afiliado o consumidor de MassHealth no pueden tomar represalias contra un PCA por usar tiempo acumulado por enfermedad, por ejercer o intentar ejercer derechos cubiertos por la ley, incluyendo: solicitar y usar una Licencia por enfermedad; presentar una queja por presuntas violaciones a la ley; comunicarse con cualquier persona, incluyendo compañeros de trabajo, sobre cualquier violación de la ley; participar en una acción judicial o administrativa respecto de la presunta violación de la ley; o informar a otra persona sobre los posibles derechos de esa persona. Tomar represalias es ilegal.



Employment Laws and Benefits

Once you have hired your PCAs, you must make sure that you follow the laws that govern employers and employees. This is a brief description of some of the more important laws that cover employer/employee relations. This description is not complete, and is not meant to take the place of legal advice; but is only designed to give an overview of the general issues. If any consumer or surrogate needs more detailed information about any of these laws, or has a situation that may fall under one of these laws, they should seek professional legal advice.

DISCRIMINATION

Both state and federal law prohibits an employer from discriminating against an applicant or employee because of his or her race, age, disability, religion, national origin, sex or sexual orientation. This means that you cannot decide not to hire someone, or fire someone, only because of these characteristics. Hiring or firing decisions should be made only on the qualifications of the applicant.

State law also makes it illegal for any person (not just the employer) to interfere with the rights of the employee; or the help someone interfere with the employee's rights. This would cover harassment of the employee on the job, unfounded accusations of theft, threats, or any other action that prevents or makes it difficult for an employee to do their job.

Discrimination on the basis of disability is illegal, but an employee must be able to perform the essential functions of a job with or without reasonable accommodation. The accommodation must be the result of a two way negotiation.

When advertising for a job, an employer cannot put language in the ad that refers to a protected status. For example, an ad saying "female PCA wanted" would be illegal.

During an interview, open-ended questions about an applicant's criminal history or disability (either physical or mental) are not allowed. You can ask if an applicant will be able to perform all the essential functions of a job. In regards to criminal history, a consumer can ask if the applicant has been convicted of a felony within the last 7 years, and can ask an applicant to bring in their CORI (Criminal Offense Record Investigation). If driving is an essential function of the job, an employer can ask if the applicant has had any misdemeanor motor vehicle convictions within the last five (5) years, or any felony motor vehicle convictions. Driving records in Massachusetts are currently open to the public, and are not covered by the same laws as CORI records.

SEXUAL HARASSMENT

A separate sexual harassment law in Massachusetts covers all employers. Harassment is when an employee is the victim of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. The harassment must create a working environment which affects the terms and conditions of employment. Harassment might be a situation where an employee is offered a certain employment benefit in exchange for sexual favors, or a work place that that employee considers sexually hostile. A person who chooses to display explicit, erotic material in his or her home might leave themselves open to accusations of sexual harassment if a PCA finds it offensive, and if it is not removed or covered when the employee asks. This also applies to telling dirty jokes. An employer must take prompt action to remedy the situation as soon as he or she receives a report of sexual harassment. The employer is supposed to get all the facts from the employee and any witnesses, and then confront the accused. The problem arises if the harasser is also the employer, as is likely to be the case for any PCA. In this case, if the employer does not respond to the complaint, the PCA should take their complaint to the Attorney General's office.



Wage and Hour Laws and Regulations

The Office of the Attorney General (OAG) enforces many of the laws regulating the workplace, including the payment of wages, overtime, minimum wage, prevailing wage and youth employment laws.

The Fair Labor Hotline staff are available to answer your questions about the laws described in this guide and, if necessary, to help you file a complaint.

The Hotline number is 1-617-727-3465 and it is open Monday through Friday, from 9:00AM through 5:00PM.

Payment of Wages: The term “wages” includes pay for hours worked, tips, vacation pay, holiday pay and commissions as defined in Section 148.

Employers must be employee wages within the following time periods:

- If the employee works 5 to 6 days in a calendar week, payday must be within six (6) days of the end of the pay period.
- If the employee works seven (7) days or less than five (5) days in a calendar week, payday must be within seven (7) days of the end of the pay period.

Employees who voluntarily leave their job (quit/resign), must be paid in full on the next regular pay day or if there is no regular pay day, no later than the following Saturday.

Employees who involuntarily leave their job (fired/laid off), must be paid in full on the day of discharge. (MGL c. 149, s. 148)

Deductions: As a general rule, employers may only deduct federal and state taxes, social security and any other deductions required or permitted by law from wages.

Deductions taken by the employer may never reduce an employee’s salary below the minimum hourly wage unless those deductions are required by law. (MGL c. 149, s. 150A)



Pay stubs: Employers must give each employee a pay statement on payday that includes that name of the employer, name of employee, date of check (including the day, month and year), and number of hours worked during the pay period, hourly rate and any deductions for the period.

- Employees who are paid on an hourly basis must be paid every week or every other week.
- Employers must notify employees in writing of a change in the pay schedule from weekly to bi-weekly at least 90 days before implementing the change. (MGL c. 149, s. 148)

Overtime: Generally, an employer who permits or requires an employee to work over 40 hours in any week must pay the employee at least 1 ½ times their regular rate of pay for all hours worked over 40. (Example) – If an employee regularly earns \$8.00 per hour, the employee’s overtime rate would be \$12.00 per hour. (\$8.00 which is regular rate + \$4.00 which is half regular time = \$12.00 which is overtime rate).

- The state overtime law contains a list of 20 categories of work for which overtime pay is not required. This does not include PCA workers.
- You may have the rights to overtime under federal law, even if you do not have state overtime rights. For more information, contact the U.S. Department of Labor at: www.dol.gov/ or call 1.617.624.6700. (MGL c. 151, s.1A). Overtime payment can be arranged by the Consumer/Employer with the FI.

Meal Breaks: Employees who work a period of more than six (6) consecutive hours per day are entitled to a 30 minute break. Employees must be relieved of all duties and be permitted to leave the premises during the meal break.

- If the employee voluntarily agrees to waive his or her break, he or she must be paid for the time worked.
- Exemptions to the meal break laws are contained in section 101. (MGL c.149 s. 100 and 101)



Child Labor: Special laws apply to the employment of workers under the age of 18. These laws regulate the hours minors may work and prohibit minors from working in certain hazardous occupations. For more information about these laws, visit: www.mass.gov/ago/youthemployment or www.laborlowdown.com.

Work permits: All teens under 18 must complete a work permit application and obtain a work permit before starting a new job. For further information about obtaining a work permit, visit the Division of Occupational Safety website at: www.mass.gov/dos. (MGL c.149, s. 56 – 105)

Employee Right to Sue: Employees have the right to bring private lawsuits against their employers on behalf of themselves and other similarly situated employees under the following wage and hour laws (MGL Chapter 149, sections 27, 27F, 27G, 27H, 33E, 52D, 148, 148A, 148B, 150, 150C, 152, 152A, 159C and Chapter 151, sections 1B, 19 and 20).

- Employees who succeed in their lawsuits are entitled to back pay, triple damages, attorney's fees and litigation costs.
- For violations of Chapters 149 and 151, section 19, employees must first file a complaint with the Attorney General's Office, and wait 90 days or obtain permission from the Attorney General to proceed with a private lawsuit before the 90-day period has passed, before filing in court.
- Any lawsuit under these provisions must be filed in court within three (3) years after the violation(s).
- For violations of Chapter 151, sections 1B and 20 (Overtime and Minimum Wage laws), employees do not need to file with the Attorney General's Office, but, must file in court within two (2) years after the violation(s).
- **No Retaliation:** An employer is prohibited from retaliating, discharging, discriminating or punishing an employee in any way as a result of any action taken on the part of the employee to seek his or her rights under the Wages and Hours provisions of chapters 149 and 151, including assisting the Attorney General's Office, or to any other person, about his or her rights under the State Wage and Hour laws. (MGL c. 149, s.148A and MGL c. 151, s. 19 (1))



Consumer Rights Under the New Labor Contract

PCAs are part of the SEIU1199 Union. Consumer Rights under the New Labor Contract.

Now that PCAs have a Union, a number of questions have arisen amongst consumers:

- Can I still fire a PCA that I am dissatisfied with?
- Can a PCA file a grievance against me?

To clarify matters, below is language directly from the contract signed by the Council.

Article 2: Consumer Rights

Section 1: General Rights

As provided by MGL c.118G, section 31(a), Consumers and/or their Surrogates shall retain the right to:

- Hire PCAs of their choice
- Supervise, manager and train PCAs in their employ
- Determine the work schedules of PCAs in the employ
- Terminate PCAs from their service at will
- Determine under any circumstances whom may and may not enter their residence.

Such authority and control on the part of the Consumers is not, and shall not be, diminished in any way whatsoever by this Agreement.

From time to time, consumers may receive union materials in the mail they receive from the Fiscal Intermediaries. Consumers should give these materials to their PCA. Remember, consumers have a stake in a strong union; the union promotes better wages and benefits for PCAs, thus increasing the number of people wanting to do PCA work and making it easier for consumers to recruit PCAs.

This is a compilation of state and federal child labor laws. The most protective laws are presented here and apply to all employers of teens including parents who may employ their children. There are additional regulations in this area not summarized here and some exceptions for employers in agricultural industries.

Questions about the state child labor laws should be directed to the Massachusetts Office of the Attorney General, Fair Labor Division by calling (617) 727-3465.

Questions about federal child labor laws should be directed to the U.S. Department of Labor, Wage and Hour Division by calling (617) 624-6700.

Summary of Massachusetts laws regulating Minors' work hours

Prohibited Jobs (Hazardous Orders)

Persons under 14 may not work. There are a few exceptions to this such as working as news carriers, on farms, and in entertainment (with a special permit).

Persons under 16 may NOT:

- Operate, clean, or repair power-driven machinery (except office machines or machines for retail, cleanup, or kitchen work not otherwise prohibited)
- Cook (except on electric or gas grills that do not have open flames)
- Operate fryolators, rotisseries, NEICO broilers, or pressure cookers
- Operate clean or repair power-driven food slicers, grinders, choppers, processors, cutters, and mixers
- Perform any baking activities
- Operate microwave ovens (except to heat food in microwave ovens with a maximum capacity of 140 degrees Fahrenheit)
- Clean kitchen surfaces that are hotter than 100 degrees Fahrenheit
- Filter, transport, or dispose of cooking oil or grease hotter than 100 degrees Fahrenheit
- Work in freezers or meat coolers
- Work in a manufacturing facility or occupation (e.g., in a factory, as an assembler)
- Work on or use ladders, scaffolds, or their substitutes
- Work in garages, except dispensing gas and oil
- Work in brick or lumber yards
- Work in amusement places (e.g., pool or billiard room, or bowling alley)
- Work in barber shops
- Work in door-to-door street sales, including work as a sign waiver (except directly outside employer establishment)
- Work in construction, transportation, communications, or public utilities (except doing clerical work away from heavy machinery off the job site)
- Work in warehouses (except doing clerical work)
- Load or unload trucks, railroad cars, or conveyors
- Ride in or on a motor vehicle (except in passenger seat if wearing a seatbelt)
- Work doing laundry in a commercial laundry or dry cleaning establishment
- Work as a public messenger
- Work at processing operations (e.g., in meat or fish, poultry catching, cooping, cracking nuts, bulk or mass mailing)
- Work around boilers or in engine rooms
- Do industrial homework
- Work with dangerous electrical machinery or appliances
- Work in any of the occupations or tasks prohibited for persons under age 18
- Engage in work that is determined by the Massachusetts Attorney General to be dangerous to the health and well-being of minors

Persons under 18 may NOT:

- Drive a vehicle, forklift, or work assist vehicle (except golf carts in certain circumstances)
- Ride as a passenger on a forklift
- Operate, clean, or repair power-driven meat slicers, grinders, or choppers
- Operate, clean, or repair power-driven bakery machines (except for certain countertop models and pizza dough rollers)
- Work 30 feet or more above ground or water
- Handle, serve, or sell alcoholic beverages
- Use circular, chain, or band saws; guillotine shears; wood chippers; and abrasive cutting discs
- Use power-driven woodworking machines
- Use, service, drive, or work from hoisting machines
- Operate or load power-driven balers, compactors, or paper processing machines
- Use power-driven metal-forming, punching, or shearing machines
- Use buffing or polishing equipment
- Manufacture brick, tile, or kindred products
- Manufacture or store explosives
- Work in excavation, wrecking, demolition, or shipbreaking
- Work in forest fire fighting, forest fire prevention, timber track operations, and forestry service
- Work in logging, sawmilling, or mining
- Work slaughtering, packing, or processing meat and poultry
- Work in railway operations
- Work in roofing or on or about a roof
- Work in foundries or around blast furnaces
- Work manufacturing phosphorus or phosphorus matches
- Work where they are exposed to radioactive substances
- Work as a firefighter or engineer on a boat
- Oil or clean hazardous machinery in motion
- Work in any job requiring the possession or use of a firearm

Tasks not specifically permitted by the US DOL Secretary of Labor are prohibited.

Legal work hours for teens in Massachusetts

After 8:00 p.m., all minors must have the direct and immediate supervision of an adult supervisor who is located in the workplace and is reasonably accessible to the minor, unless the minor works at a kiosk, cart or stand in the common area of an enclosed shopping mall that has security from 8:00 p.m. until the mall is closed to the public.

14 and 15 year-olds work hours

Only between 7 a.m. and 7 p.m. during the school year

Not during school hours

Only between 7 a.m. and 9 p.m. during the summer (from July 1 through Labor Day)

Maximum Hours When School Is in Session

- 18 hours a week
- 3 hours a day on school days
- 8 hours a day Saturday, Sunday, holidays
- 6 days a week

Maximum Hours When School Is Not in Session

- 40 hours a week
- 8 hours a day
- 6 days a week

16 and 17-year olds work hours

Only between 6 a.m. and 10 p.m. (on nights preceding a regularly scheduled school day) - if the establishment stops serving clients or customers at 10:00 p.m., the minor may be employed until 10:15 p.m.

Only between 6 a.m. and 11:30 p.m. (on nights not preceding a regularly scheduled school day).

Exception for restaurants and racetracks: only between 6 a.m. and 12:00 midnight (on nights not preceding a regularly scheduled school day).

Maximum hours of work - whether or not school is in session

- 48 hours a week
- 9 hours a day
- 6 days a week



SICK TIME
PCAs accrue Sick Time for all consumers they work for starting July 1, 2015.
Benefit Year: 12 month time frame starting from date of hire.
PCAs begin accruing earned Sick Time on first day of work. Cannot accrue more than 40 hours in a Benefit Year.
PCAs can start using Sick Time 90 Days after first date of work if that date is on or after July 1, 2015.
If PCAs have been working on or before April 2, 2015 they can use Sick Time as soon as it accrues
Accrual rate: 1 Hour of Sick Time for every 30 Hours Worked
PCAs do not accrue Sick Time when they are not working.
PCAs may rollover up to 40 hours of unused Sick Time to the next Benefit Year.
PCAs cannot use Sick Time for periods they are not scheduled to work.
The smallest amount of Sick Time a PCA can use is 1 hour.
PCAs can use no more than 50 hours of Sick Time per Benefit Year.
Sick Time is paid at same hourly rate.
Mass Health is not required to pay unused Sick Time at end of Benefit Year or end of PCA employment.
PCA Payroll Portal: PCAs can go to https://www.onlineemployer.com/feapca and create an account. Here, they can track their Sick Time.
Timesheets: Consumers coming onto the PCA program will receive Sick Time timesheets. They can also be requested from the FI. Sick Time can also be entered into e-timesheets.

PTO (Personal Time Off)
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 "PCA Paid Time Off Activity Form Timesheet" obtained from your F.I.
PCAs will earn 1 hour of PTO for every 30 hours worked. PCAs can accrue up to 50 hours of PTO.
PCAs cannot accrue more than 50 hrs. of PTO. Can carry over up to 50 hrs. unused earned PTO to the next year
PCA may never have more than 50 hours unused earned PTO and must use PTO 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 the PCA chooses not to work scheduled time (vacation, personal, sick time ...)
It is the PCA's responsibility to use PTO in amounts consistent with their regular schedule.
PTO cannot be taken the same time/hrs. PCA is providing personal care to another consumer in the program.
PCAs are entitled to use earned PTO in 15-min. intervals (shortest time period which earned PTO may be used).
PTO will not count toward the calculation of overtime or other premium rates.
PCAs should submit a Paid Time Off Activity Form for each consumer from whom they are requesting PTO.
Unused accrued PTO paid out at end of employment, regardless whether 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.
The Termination Form must be submitted within 1 year of the last date worked to be eligible for payout.
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.
A PCA can view his or her unused accrued Paid Time Off balance at the CYMA web portal at CYMA Employee Portal

TRAVEL TIME

As of 1/1/16, MassHealth will be required to pay PCAs Travel Time.

PCA travel from their home to work (consumer's home) is not compensated

Travel from work site to work site must be compensated.

Note: If PCA lives with consumer this does not count toward Travel Time.

Travel Time is considered hours worked and factored into Overtime

Travel Time is not consumer controlled (FI and MH need to figure it out).

If PCA stops somewhere in between consumer work sites (ex. cup of coffee) Travel Time is based on the direct route between consumers and doesn't include Travel Time for the stop in between.

OVERTIME

As of 1/1/16, MassHealth is required to pay PCAs Overtime (time and-a-half) for hours worked over 40 hrs/wk.

This is for hours across consumers and FIs.

Consumers are required to make special requests for OT pay.

OT and Travel Time will be paid together on a separate check or direct deposit.

Timesheets submitted for PCA time when you are in the hospital or rehab will be denied and/or recouped.

Make your paperwork process easier:

E-Timesheets: [Etimesheets](#) and **PCA New Hire Paperwork:** [Paperwork](#)



HOTLINES

AIDS Action Committee of Massachusetts	1-800-235-2331
Provides information and referrals for persons with AIDS/HIV	
Child At Risk	1-800-792-5200
National Suicide Prevention	1-800-273-8255
www.suicidepreventionlifeline.org	
Federally funded suicide prevention hotline Connects individuals to crisis centers across the country Staff have essential resources to assist in a suicide crisis	
Samaritans	1-877-870-4673
Crisis hotline staffed by volunteers. Provides support to persons who are suicidal or in despair	
Samariteens	1-800-252-8336
Crisis hotline for teens; staffed by teen volunteers. Help for any teen that is suicidal or in despair	
Disabled Persons Protection Commission (DPPC)	1-800-426-9009
Elder Affairs	1-800-882-2003
Staff provides assistance to elders on areas of concern; also provides connection to Protective Services when elder abuse is suspected	
Fenway Violence Recovery Project	1-800-834-3242
Operated out of the Fenway Community Health Center, the project helps the gay/lesbian/bisexual/transgender community with the aftermath of violence, including hate crimes and domestic violence	
Mass Transgender Political Coalition (MTPC)	1-617-267-9001
Peer Listening Line	1-617-627-2535
Toll-Free	1-800-339-7337



HOTLINES (cont.)

- Health Care for All (HCFA)** **1-800-272-4232** or **1-617-350-7279**
Seeks to create a consumer-centered health care system that provides high quality care and consumer education for everyone
- Recovery Hotline for Alcohol Crisis** **1-800-252-6465**
Staffed by Volunteers
- Massachusetts Substance Abuse Hotline** **1-800-327-5050**
Provides information and referrals for substance abuse and treatment; run through DPH
- Alcoholics Anonymous (AA)** **1-800-327-5050**
www.helplineonline.com
12-step support groups for persons with alcohol addiction
- Narcotics Anonymous (NA)** **1-800-327-5050**
12-step support groups for persons with drug addiction
- Alanon/Alateen** **1-508-366-0556**
(This is a statewide number for accessing local groups) Support groups for family and friends of persons with addictions; Alateen is specifically to address the support needs of young people
- Massachusetts Council on Compulsive Gambling** **1-800-426-1234**
Support groups for persons with a gambling addiction



WARMLINES

Warm lines are run by and for consumers; they are used by consumers who need to talk to someone, but are not in crisis.

Central Massachusetts

- Crossroads** **1-978-629-8485**
Hours: Daily 4:00pm-7:00pm & 10:00am-12 Noon
- Tradewinds** **1-508-864-0270**
Hours: Friday 4:00PM-10:00PM, Weekends 10:00AM-10:00PM
- Westwinds** **1-508-426-1660**
Hours: Daily 6:00PM – 9:00PM
- Central MA Recovery Learning Community** **1-508-468-9740**
Hours: Daily 6:00PM – 8:00PM

Metro Boston

- Peer Warm Line (Metro Boston RLC)** **1-877-733-7563**

Metro Suburban

- C.A.S.T.L.E.** **1-617-610-7907** or **1-617-243-3977**
Hours: Mon.-Fri., Sun. 7:00PM - 11:00PM
- The Peer Line** **1-508-879-2250** Ext. 168
Hours: Mon.-Thurs. 8:30AM – 7:30PM, Fri. 9:00AM – 5:00PM
- The Consumer/Edinburgh Center** **1-800-243-5836**
Hours: Mon. – Fri. 5:00PM – 10:00PM, Weekends 1:00PM – 10:00PM
- The South Shore Warm Line** **1-617-689-1050** or **1-617-689-1051**
Hours: Mon., Thurs., Fri., Sun. 5:00PM - 10:00PM

Northeast

None – to be established by the Northeast RLC

Southeast

None – to be established by the Southeast RLC

Western MA

- Pioneer Valley Warm Line** **1-413-747-8658**
Hours: Wed. – Sun. 5:00PM – 1:00AM