



TO: Consumers of the Personal Care Attendant (PCA) Program
FROM: Fiscal Intermediary Department
RE: New Consumer Welcome Packet and Instructions

Tempus Unlimited, Inc. welcomes you as your Fiscal Intermediary. Below is important information about using your PCA services and submitting your PCAs hours worked via the Electronic Visit Verification (EVV) timesheet submissions each payroll period. Please review this information with your PCAs so they have a better understanding of the EVV timesheet submission and payroll processes.

EVV Start Packet: For detailed instructions on EVV, please review the EVV Start Packet, including in this packet. EVV webpages on our website are <https://tempusunlimited.org/evv/>

Biweekly Payroll: We use a biweekly payroll period (every two weeks). Consumers and PCAs **do not** have the option of billing every week. All consumers must complete their EVV timesheet submissions every two weeks.

PCA Payment Schedule: The PCA Payment Schedule shows the payroll period beginning and ending dates, as well as the dates we must receive the EVV timesheet submissions and the dates the EVV timesheet submissions will be paid. Keep in mind that we require that the EVV timesheet submissions be in completed 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 EVV timesheet submissions with more accuracy, in a timely manner, and as per our funding source contracts, we can only process EVV timesheet submissions that have the correct pay period dates that are assigned to you based on your PCA Payment Schedule. **If the dates do not match, the EVV timesheet submission will NOT be paid.**

Effective March 9, 2024: At the end of the applicable payroll period, for PCAs who submit an error-free EVV or ETimesheet by 4PM on Monday, Tempus will issue payment on the following Thursday. For PCAs who submit an error-free paper timesheet by 4PM on Monday, Tempus will make best efforts to issue payment on the following Thursday but no later than Friday. All remaining timesheets will be paid on a rolling basis. 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 package must be picked up or mailed.

Consumer and PCA Information: Verify the name of the Consumer and PCA as well as the date, start and end time, and location of the visit in order to process your EVV timesheet submission. Please note: The visit location will only be verified at the exact moment a PCA clocks in or out of a visit. The EVV system will show location as "home" if the PCA is at the consumer's home, or "community" if the PCA is at any other location.

Direct Deposits and Debit Cards: PCAs 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, , no further action, as described below is required.**

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

Payroll Packages: Each payroll period, the consumer will receive a payroll package, which includes payroll reports for all the EVV timesheet submissions 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.

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 - Hours: All hours worked between 12:00 AM and 11:59 PM are considered hours worked. The PCA should clock in and out by using the EVV Mobile App. EVV time should be reviewed and approved in the EVV portal by the consumer and should reflect actual hours worked. The Total Hours are 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 are rounded up to the next 15-minute increment. If a PCA begins and ends their shift between the hours of 12:00am and 6:00am, they will be paid for 2 hours minimum. This is called the "Overnight Shift." If a PCA works for more than 2 hours during the Overnight Shift, they will be paid for the hours worked.

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 50 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 50 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 for 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 are 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 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.

Paid Time Off: Personal Care Attendants (PCAs) are eligible for Paid Time Off (PTO).

- 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 determined by adding all the hours worked as a PCA across all consumer employers in the MassHealth PCA Program.
- A PCA can view his or her unused accrued PTO balance on their paystub.

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

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

Paid Time Off: The PCA should submit PTO by using the EVV Portal. EVV time is also reviewed and approved in the EVV portal. The Total Hours are 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).

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.

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 (EverBridge): We will use the system to notify you of office closings, important updates and other information that we need to provide quickly. Communications will be sent from: <noreply@everbridge.net> either by text, phone or email.

PCA New Hire Forms: There are additional W-4, I-9, Provider Information and Attestation Form, PCA Job Description, Direct Deposit and Debit Card Applications available 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.**

Paperworkr: An online Module that allows the Consumer and PCA to complete and sign the PCA's New Hire Paperwork (NHP) electronically. If the NHP is not electronically signed, it should be faxed, or mailed to Tempus Unlimited. You can access Paperworkr at <https://paperwork.tempusunlimited.org/>

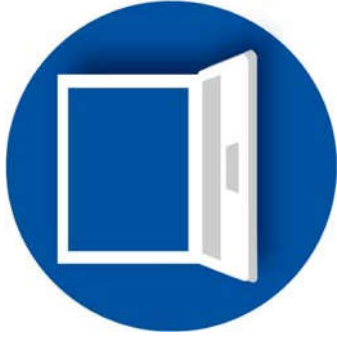
Holiday Wages: PCAs are paid 1.5 times the regular pay rate when they work on New Year's Day, Martin Luther King Day, Juneteenth, July 4th, Thanksgiving and Christmas Day. Holiday hours are paid when regular hours are paid between the hours of 6 AM – 11:59 PM.

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.

Consumer Advisory Board: The Consumer Advisory Board (CAB) is a forum where Consumers, providers, caregivers, family members and PCAs/workers come together to share how they are experiencing the services provided by Tempus Unlimited, Inc. Tempus' Mission is to support those with disabilities to live as independently as possible in the least restrictive environment. One way to ensure that we are providing services that are relevant and accessible is by providing a forum for a self-selected group of advocates that are representative of the community we serve. The Consumer Advisory Board Lead's role is to listen to your thoughts, concerns, and recommendations and to share that information with the Senior Leadership of Tempus Unlimited. Applications for the Consumer Advisory Board are available on the Tempus website.

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.



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.

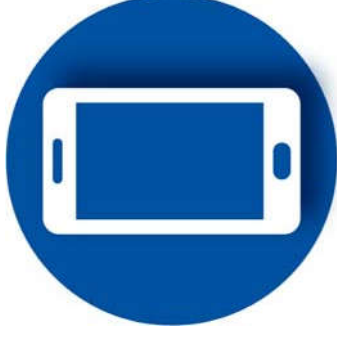
You also need information about your employment history from the last 15 months, including:

- 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

Información sobre Empleados Cubiertos por el Seguro de Desempleo

Nombre del empleador **C/O Tempus Unlimited, Inc. 600 Technology Center Drive, Stoughton, MA 02072** Número de identidad del empleador asignado por DUA

Dirección

Los empleados de este negocio u organización están cubiertos por el Seguro de Desempleo (UI por sus siglas en inglés), un programa financiado enteramente por empleadores en Massachusetts. No se hacen deducciones de su salario para cubrir el coste de sus beneficios del Seguro de Desempleo.

Si usted pierde su trabajo, puede que tenga derecho a recibir el Seguro de Desempleo. Abajo se encuentra un resumen de la información que necesita para poder solicitar los beneficios del Seguro de Desempleo. Antes de usted presentar su reclamación del Seguro de Desempleo, su empleador le dará una copia del folleto: *Cómo Solicitar los Beneficios del Seguro de Desempleo*, proporcionada por el Departamento de Asistencia al Desempleado de Massachusetts (DUA por sus siglas en inglés).

Usted tiene que estar en los Estados Unidos, sus territorios, o Canadá cuando presente una reclamación de desempleo o cuando solicite los beneficios semanales del seguro de desempleo.

Hay dos maneras de solicitar los Beneficios del Seguro de Desempleo: Solicitar por internet a través de UI Online



UI Online es un sistema seguro de auto-servicio y fácil de usar. Usted puede solicitar los beneficios del Seguro de Desempleo, reactivar una reclamación existente, solicitar los pagos semanales de beneficios del Seguro de Desempleo, verificar el estatus de su reclamación, inscribirse para depósito directo, actualizar su dirección y mismo presentar una apelación por internet. Para solicitar los beneficios del Seguro de Desempleo a través de UI Online, visite www.mass.gov/dua, seleccione *"UI Online for Claimants"* y rellene la información exigida para entregar su solicitud.



Solicitar por teléfono llamando al Centro de TeleReclamaciones

Los servicios del Seguro de Desempleo están disponibles por teléfono. Usted puede solicitar los beneficios del Seguro de Desempleo, reactivar una reclamación existente, obtener información actualizada sobre el estatus de su reclamación y los pagos de beneficios, resolver problemas, e inscribirse para depósito directo — todo por teléfono. Para solicitar los beneficios del Seguro de Desempleo por teléfono, llame al Centro de TeleReclamaciones al 1-877-626-6800 si tiene un prefijo telefónico de 351, 413, 508, 774, o 978; o 1-617-626-6800 si tiene cualquier otro prefijo telefónico. Se le pedirá de dar su Número de Seguro Social y su año de nacimiento. Se le pasará entonces a un agente que tomará la información necesaria para presentar su reclamación del Seguro de Desempleo.

Nota: Durante periodos de alto volumen de llamadas entre lunes y jueves, se puede implementar un horario de llamadas, dando prioridad a las personas que llamen basado en el último dígito de sus Números de Seguro Social. Esto ayuda asegurar que usted y los otros clientes pueden comunicarse con un representante del Centro de TeleReclamaciones puntualmente. Por favor consulte el horario a la derecha antes de llamar.

Si su Número de Seguro Social acaba en:	Su día asignado para llamar al Centro de TeleReclamaciones es:
0, 1	Lunes
2, 3	Martes
4, 5, 6	Miércoles
7, 8, 9	Jueves
Cualquier dígito final	Viernes

IMPORTANTE: Leyes Generales de Massachusetts, Capítulo 151A, Sección 62A requiere que este aviso esté colocado visiblemente en cada lugar operado por un empleador, en un sitio evidente, donde puede ser accedido por todos los empleados. El aviso tiene que incluir el nombre y la dirección de correo del empleador y el número de identidad asignado al empleador por el Departamento de Asistencia al Desempleado.

Un patrón/programa que ofrece igualdad de oportunidades de empleo. Dispositivos y servicios auxiliares están disponibles a pedido para personas con discapacidades. Para servicios de retransmisión para personas con discapacidades auditivas, llame al 711.

Notice: MassHealth Personal Care Attendant (PCA) Program New Hire Orientation

Updated February 1, 2021

Effective **February 1, 2021**, the 1199SEIU Training and Upgrading Fund (TUF) will assume responsibility for delivering the Workers' Rights section of the New Hire Orientation (NHO). Consumers who choose to deliver the NHO to their PCA(s) will no longer be required to deliver the Worker's Rights section. Instead, all PCAs will register directly with TUF for a two-hour training session, which will cover both the Workers' Rights curriculum and the new Infection Control curriculum. This change will ensure the consistent delivery of important workers' rights information to PCAs.

With this change, both the Infection Control and Workers' Rights sections will be delivered by TUF. The remaining two hours of NHO will be delivered by the consumer.

The PCA New Hire Orientation will remain as a four-hour training and PCAs will be paid for four hours upon completion of the entire New Hire Orientation curriculum.

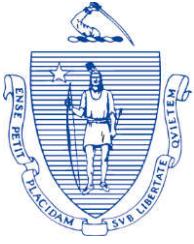
For more information, consumers should contact their assigned Personal Care Management agency.



PCA OT Update 11/22/16

4-part approach to ensure continuity of care, budget sustainability, and integrity of the program:

- **Establishes overtime cap at 50 hours. Establishes both *Temporary Approvals* and *Continuity of Care (COC)* criteria to begin at the expiration of the currently applicable exceptions (the week of January 16th)**
 - *Temporary Approvals* apply when a consumer has a temporary need to schedule one PCA to work overtime in excess of 10 hours (e.g., post-acute hospitalization)
 - *Continuity of Care (COC)* approvals last for the duration of the consumer's PCA prior authorization period (includes complex medical needs that require specialized skills, length of consumer-PCA relationship >5 years, and other criteria)
 - Amends PCA regulation to provide for 50 hour cap (which covers ~66% of OT hours)
 - Applies a consistent health and safety cap of 66 hours on *COC* approvals
- **Creates a compliance policy for unauthorized PCA overtime**
 - MassHealth looks forward to working with Stakeholders and SEIU 1199 to develop and implement a compliance policy.
 - The current proposed framework provides for 3 warning letters to PCAs with opportunities of 30 days each to correct the overuse of overtime unless the consumer employer has received authorization to schedule overtime.
 - After the 3rd warning and opportunity to correct overuse:
 - PCAs who continue to work overtime per week without authorization would be issued a notice of proposed sanction. The proposed sanction would be termination as a MassHealth provider.
 - Consumers who continue to schedule overtime without authorization would, at minimum, be required to receive additional skills training.
- **Strengthens consumer/ PCA protection and program integrity by implementing Electronic Visit Verification (EVV) by January 2018**
 - Ensures resources go to individuals who need services vs. fraud and abuse
 - Supports identification and closing of care gaps (e.g., PCA does not show up, need back-up triggered)
 - Maintains consumer direction and promotes accountability
 - Implementation of EVV will involve stakeholder engagement
- **Recruits PCAs and supports consumers in finding available PCAs who are not working overtime**
 - Enhances the Rewarding Work website by re-launching on 11/10/16 enhanced Job Posting Board + simplified PCA application
 - Assures more PCAs are registered on the Rewarding Work directory by 12/31/16
 - SEIU 1199 outreaching to PCAs (fliers, face-to-face outreach)
 - UMass will promote PCA sign-up through social media
 - FI's will include fliers in new hire packets for PCAs
 - 5,000 new PCAs registered by 12/31/16
 - Update regulations to require participation in the directory
 - Engages more Consumers to use the directory
 - PCM's will provide Functional Skills Training to consumers on using the directory to hire PCAs
 - Consumers must be signed up on the directory in order to receive an approval
 - 1,000 new consumers registered by 12/31/16



Personal Care Attendant Quality
Home Care Workforce Council
1 Ashburton Place, 11th Floor
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

September 23, 2019

Tel: (617) 573-1712

www.mass.gov/pca

Email: pcacouncil@state.ma.us

Facebook:

www.facebook.com/MassPCA

Dear Personal Care Attendant (PCA):

You are receiving this notice because you provide Personal Care Attendant (PCA) services to a MassHealth member who is your consumer-employer. **This notice provides benefit and other information related to the Massachusetts Family and Medical Leave law.** The PCA Quality Home Care Workforce Council (FEIN: 81-0783359) is sending you this notice in accordance with M.G.L. c. 175M.

Employer Notice to Employee

Rights and Obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M IMPORTANT INFORMATION FOR ALL PERSONAL CARE ATTENDANTS (PCAs)

Explanation of Benefits

Beginning October 1, 2019: Fiscal intermediaries for the PCA Program will deduct contributions from your wages to fund the Department of Family and Medical Leave (DFML) Employment Security Trust Fund. This means you will start seeing new deductions starting October 1, 2019. The benefits will be available starting in 2021.

Beginning January 1, 2021:

- You may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child.
- You may be entitled to up to 12 weeks of paid family leave in a benefit year because a family member is on active duty or has an upcoming call to active duty in the Armed Forces.
- You may be entitled to up to 20 weeks of paid medical leave in a benefit year if you have a serious health condition that prevents you from working.
- You may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or addressing consequences of a serious health condition related to military service.

Beginning July 1, 2021:

- You may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.
- You may be eligible for up to 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- A weekly benefit amount will be based on your earnings, with a maximum benefit of \$850 per week.



Employer/Employee Contributions to the DFML Security Trust Fund

Currently, the total contribution amount is 0.75% of wages. Of that 0.75% total contribution amount, there is a split: 17.3% is a family leave contribution and 82.7% is a medical leave contribution. Employees and employers will share in the contribution to this benefit. Employees will contribute to the benefit through 0.38% deductions from wages. MassHealth will contribute the remaining amount (0.37%) on behalf of your consumer-employer. This means that if you earned \$100, \$0.38 would be deducted from your paycheck. This consists of \$0.13 to cover your family leave contribution and \$0.25 to cover your medical leave contribution. These deductions are determined based on your total wages. That means if you made \$95 in regular pay and \$5 in overtime pay, the deduction would be determined based on the total \$100 in wages.

How to File a Claim

To access paid family and medical leave benefits, you must file claims with the DFML using DFML forms. Forms and claim instructions will be available before January 2021 on the Department's website, www.mass.gov/DFML.

You are required to provide at least 30 days' notice to your PCA consumer-employer of the anticipated date of any leave, the anticipated length of the leave, and the expected date of return. An employee who is unable to provide 30 days' notice due to circumstances beyond his or her control is required to provide notice as soon as practical.

Department of Family and Medical Leave (DFML) Contact Information

The Massachusetts Department of Family and Medical Leave
Charles F. Hurley Building
19 Staniford Street, 1st Floor
Boston, MA 02114
(617) 626-6565 / www.mass.gov/DFML

Payment for Concurrent Leave

Any paid leave provided under a collective bargaining agreement or employer policy and paid at the same or higher rate than paid leave available under this law shall count against the allotment of leave benefits available under this law.

Questions

If you have questions about the law, please contact the Department of Family and Medical Leave at (617) 626-6565 or visit their website at www.mass.gov/DFML.

ACKNOWLEDGMENT

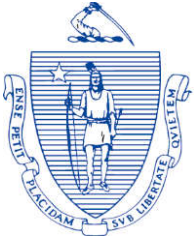
Your signature below acknowledges your receipt of the information above. Please retain a copy for your reference. If you refuse to sign this acknowledgment, please submit a signed statement indicating that you refuse to sign this acknowledgement.

Signature

Date

Name (Print)

Return to: Tempus Unlimited, Inc.
600 Technology Center Dr.
Stoughton, MA 02072
Or Fax to: 1-800-359-2884



Personal Care Attendant Quality
Home Care Workforce Council
1 Ashburton Place, 11th Floor
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

Tel: (617) 573-1712
www.mass.gov/pca
Email: pcacouncil@state.ma.us
Facebook:
www.facebook.com/MassPCA

Septiembre 23, 2019

Estimado/estimada Asistente de Cuidados Personales (PCA):

Usted recibe este aviso debido a que presta servicios de Asistente de Cuidados Personales (PCA) a un afiliado de MassHealth que es su consumidor-empleador. **En el presente aviso le ofrecemos información sobre el beneficio y otros temas afines de la Ley de Licencia Familiar y Médica del estado de Massachusetts.** El Consejo para la Calidad de la Fuerza Laboral de Asistencia en el Hogar de PCA (*PCA Quality Home Care Workforce Council*) (FEIN: 81-0783359) le envía este aviso según dicha ley M.G.L. c. 175M.

Aviso del empleador al empleado

Derechos y obligaciones conforme a la Ley de Licencia Familiar y Médica (FMLA), M.G.L. c. 175M
INFORMACIÓN IMPORTANTE PARA TODOS LOS ASISTENTES DE CUIDADOS PERSONALES (PCA)

Explicación de los beneficios

A partir del 1.º de octubre del 2019: A partir del 1.º de octubre del 2019, comenzarán las contribuciones al Fondo Fiduciario de Seguridad Laboral y Familiar del Departamento de Licencias Familiares y Médicas (DFML). Esto significa que, a partir de esa fecha, usted empezará a ver nuevas deducciones en su cheque de pago.

A partir del 1.º de enero del 2021:

- Los empleados tienen derecho a recibir hasta 12 semanas de licencia familiar pagada por año del beneficio debido al nacimiento o a la adopción de un niño o por recibir a un niño en cuidado de crianza.
- Los empleados tienen derecho a usar hasta 12 semanas de licencia familiar pagada por año del beneficio debido a que un familiar esté prestando servicio activo o que haya sido notificado de un llamado inminente para prestar servicio activo en las Fuerzas Armadas.
- Los empleados tienen derecho a usar hasta 20 semanas de licencia médica pagada por año del beneficio si padecieran una enfermedad grave que les impidiera trabajar.
- Los empleados tienen derecho a usar hasta 26 semanas de licencia médica pagada por año del beneficio para cuidar a un familiar que sea un miembro de servicio cubierto por el beneficio y que esté en tratamiento médico o que padezca una enfermedad grave relacionada con su servicio militar.

A partir del 1.º de julio del 2021:

- Los empleados tienen derecho a usar hasta 12 semanas de licencia familiar pagada por año del beneficio para cuidar a un familiar que padezca una enfermedad grave.
- Los empleados podrán usar hasta 26 semanas de licencia familiar y médica pagada, en total, en un mismo año del beneficio.
- El monto del beneficio semanal que recibirá el empleado dependerá de los ingresos del empleado, considerando un beneficio máximo de \$850 por semana.



Contribuciones del empleador y del empleado al Fondo Fiduciario de Seguridad Laboral y Familiar del DFML

A la fecha, la contribución total es del 0.75% de su salario. De ese aporte total del 0.75%, el 0.13% es la contribución para la licencia familiar y el 0.62% es la contribución para la licencia médica. Los empleadores y los empleados participan en la contribución que darán para financiar este beneficio. Los empleados contribuirán con el 100% del beneficio de licencia familiar mediante deducciones de la nómina. Los empleados contribuirán con el 40% de la licencia médica mediante deducciones de la nómina y los empleadores contribuirán el 60% (00.372% de ese salario) restante. Esto significa que si usted se gana \$100, se le descontarán \$0.38 de su cheque de pago. Esto representa una contribución de \$0.13 para la licencia familiar y de \$0.25 para su contribución para la licencia médica. El monto de estas deducciones se determina según el total de su salario. Esto significa que si usted percibió \$95 en pago por horas corrientes y \$5 por horas extra, la deducción se basaría en ese total de \$100 de salario.

Cómo presentar una solicitud del beneficio

Para acceder a los beneficios de la Licencia Familiar y Médica Pagada, los empleados tienen que presentar la solicitud al DFML, usando los formularios del DFML. Los formularios y las instrucciones de cómo presentar la solicitud estarán disponibles antes de enero del 2021 en el sitio web del Departamento: www.mass.gov/DFML.

Los empleados tienen la obligación de notificar a su empleador, con por lo menos 30 días de antelación, la fecha estimada de licencia, la duración prevista de la licencia y la fecha prevista para su regreso al trabajo. El empleado que no pueda dar los 30 días de aviso previo debido a circunstancias más allá de su control, debe notificarle a su empleador tan pronto como le sea práctico hacerlo.

Información de contacto del Departamento de Licencias Familiares y Médicas (DFML)

The Massachusetts Department of Family and Medical Leave
Charles F. Hurley Building
19 Staniford Street, 1st Floor
Boston, MA 02114
(617)626-6565 / www.mass.gov/DFML

Pago por licencias concurrentes

Toda licencia pagada que se otorgue según un contrato de negociación colectiva o según las normas internas del empleador y que se pague a la misma tasa o mayor que la licencia pagada disponible según la presente ley, deberá contarse como parte de los beneficios de licencia disponibles conforme a lo que se estipula en esta ley.

¿Tiene preguntas?

Si usted tiene preguntas acerca de la ley, por favor comuníquese con el Departamento de Licencias Familiares y Médicas, llamando al (617) 626-6565 o visite su sitio web www.mass.gov/DFML.

ACUSE DE RECIBO

Con su firma consignada a continuación, usted reconoce haber recibido la información que se detalla anteriormente. Sírvase guardar una copia para su referencia. Si se niega a firmar este acuse de recibo, por favor presente una declaración firmada en la que indica que se niega a firmarlo.

Firma

Fecha

Nombre (en letra de molde)

Enviar a: Tempus Unlimited, Inc.
600 Technology Center Dr.
Stoughton, MA 02072
Or Fax to: 1-800-359-2884



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/eohhs

TO: Personal Care Attendants in the MassHealth Personal Care Attendant (PCA) Program
FROM: MassHealth PCA Program
DATE: November 25, 2015
RE: Overtime and Same-Day Travel Time for MassHealth PCAs

Background

The U.S. Department of Labor (DOL) recently issued a Final Rule revising DOL regulations that implement the Fair Labor Standards Act (FLSA). As a result, PCAs may receive overtime pay for hours worked in excess of 40 hours per week for one or more consumers. Overtime is pay for hours worked in excess of 40 in a workweek at a rate not less than time and one-half their regular rate of pay. PCAs may also receive pay for travel time when they travel from one consumer's home to another's on the **same day** to provide PCA services. This is called same-day travel. Same-day travel time does not include travel to or from the PCA's home before or after the work day.

What MassHealth is doing

Beginning on January 1, 2016, PCAs will automatically receive overtime pay for hours worked in excess of 40 hours per week for one or more consumers. The MassHealth PCA program defines the workweek as beginning Sunday at 12:00 a.m. and ending the following Saturday at 11:59 p.m. PCAs will also get paid for travel time when they travel from one consumer's home to another consumer's home on the same day to provide PCA services. To help with this, MassHealth's contracted fiscal intermediaries (FIs) will track the hours worked by PCAs each week, even if they work for more than one consumer. The FIs will also automatically calculate any same-day travel time.

What you need to know

- MassHealth FIs will **automatically** calculate PCA overtime and same-day travel time, so you will not change how you currently fill out your activity sheets.
- A separate paycheck will be issued to PCAs who have worked overtime or who have incurred same-day travel time. **The paycheck for overtime/same-day travel time will be sent directly to the PCA** via direct deposit, debit card, or paper check.

What you need to do

Make sure that

- your Activity Forms correctly reflect your actual time worked.
- you do **not sign or fill out** Activity Forms **before** the actual time worked.
- your fiscal intermediary has your correct address so that you receive payment for overtime or travel time. **This is your responsibility.**

Further Information: Listening Sessions

MassHealth has scheduled listening sessions beginning in late November to gather information from MassHealth consumers who receive PCA services, PCAs, interested stakeholders, and the general public on how to improve the PCA program so that consumers receive all of their authorized PCA services while minimizing the need for PCAs to work overtime. MassHealth wants to use these listening sessions to improve the health care experience of consumers who get PCA services. We also want to gather ideas on how to make the MassHealth PCA program more sustainable. Please look for future updates from MassHealth on these listening sessions.



PARA: Asistentes de Cuidado Personal (PCA) en el Programa de Asistentes de Cuidado Personal de MassHealth
DE: Programa de PCA de MassHealth
FECHA: 25 de noviembre de 2015
REF: Horas extra y tiempo de viaje el mismo día de los PCA de MassHealth

Antecedente

Recientemente, el Departamento de Trabajo de EE.UU. (DOL, por sus siglas en inglés) emitió una Regla Final revisando los reglamentos del DOL que implementan el Decreto de Estándares Justos de Empleo (Fair Labor Standards Act (FLSA)). El resultado de esta nueva regla establece que los PCA que proporcionan servicios a uno o más consumidores, pueden recibir pago por las horas extra trabajadas que sobrepasen las 40 horas semanales. Horas extra es pago por horas trabajadas que sobrepasen de las 40 horas por semana, en una semana de trabajo a una tarifa que no sea menos de tiempo y medio de la tarifa regular de pago. Los PCA también recibirán pago por tiempo de viaje que utilicen para viajar desde el domicilio de un consumidor hacia el domicilio de otro consumidor en un mismo día, para proporcionar servicios de PCA. A esto se le llama viaje en el mismo día. El tiempo de viaje en el mismo día no incluye viajar hacia o desde la casa del PCA antes/después del día de trabajo.

Qué está haciendo MassHealth

A partir del 1° de enero de 2016, los PCA que proporcionan servicios a uno o más consumidores, recibirán automáticamente pago por las horas extra trabajadas que sobrepasen las 40 horas semanales. El Programa de PCA de MassHealth define una semana de trabajo como la que comienza el domingo a las 12:00 AM y termina el siguiente sábado a las 11:59 PM. Los PCA también recibirán pago por tiempo de viaje que utilicen para viajar desde el domicilio de un consumidor hacia el domicilio de otro consumidor en un mismo día, para proporcionar servicios de PCA. Para facilitarlos, los intermediarios fiscales (FIs por sus siglas en inglés) contratados por MassHealth llevarán la cuenta de las horas trabajadas por los PCA cada semana, aunque trabajen para más de un consumidor. Los intermediarios fiscales (FIs) calcularán automáticamente cualquier tiempo de viaje realizado en el mismo día.

Lo que necesita saber

- Los intermediarios fiscales de MassHealth calcularán **automáticamente** las horas extra y el tiempo de viaje realizado en el mismo día del PCA. Por lo tanto, la manera que usted actualmente llena las hojas de actividad no cambiara.
- Se emitirá un cheque de pago separado a los PCA que hayan trabajado horas extra o hayan incurrido en tiempo de viaje el mismo día. **El cheque de pago por horas extra/viaje en el mismo día se enviará directamente al PCA** por medio de depósito directo, tarjeta de débito o cheque en papel.

Lo que necesita hacer

Asegúrese de que:

- sus formularios de actividad reflejen correctamente el tiempo real trabajado
- no **firme o llene** los formularios de actividad **antes** del tiempo real trabajado.
- su intermediario fiscal tenga información actualizada de su dirección, con el fin de que usted reciba pago por horas extra o tiempo de viaje. **Esta es su responsabilidad.**

Más información: Sesiones para escuchar comentarios

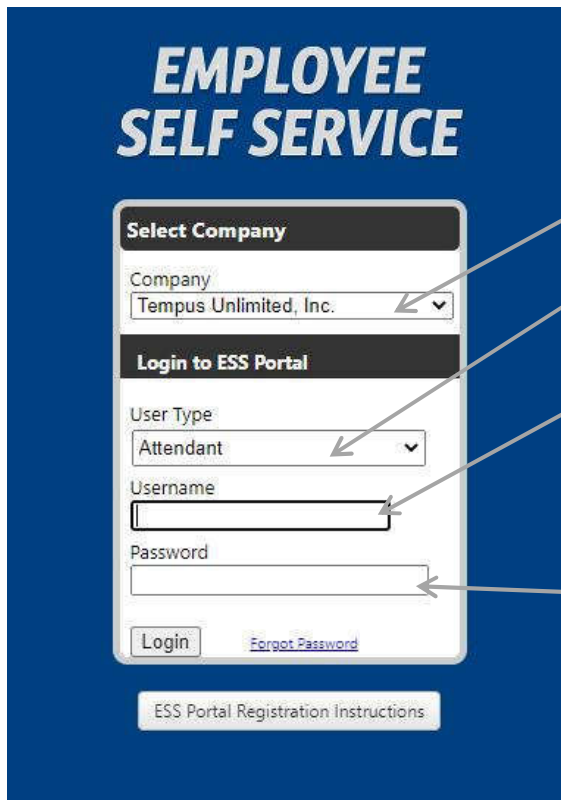
MassHealth ha programado sesiones para escuchar comentarios (recabar información) comenzando a fines de noviembre para reunir información de los consumidores de servicios PCA, de los PCA, aliados interesados y del público general sobre cómo mejorar el programa de PCA de manera que asegure que los consumidores reciban todos los servicios de PCA autorizados, y al mismo tiempo minimizar la necesidad de que los PCA trabajen horas extra. MassHealth desea utilizar la información obtenida durante estas sesiones para escuchar comentarios con el propósito de mejorar la experiencia de atención de salud de los consumidores de reciben servicios PCA. Además queremos obtener ideas sobre cómo hacer que el programa de PCA de MassHealth sea más sustentable. Por favor esté al tanto de comunicaciones futuras de MassHealth sobre fechas y horarios de estas sesiones para escuchar comentarios.

ESS PORTAL REGISTRATION INSTRUCTIONS

****Please Note: Two electronic devices are recommended to complete the ESS portal registration process. One device is necessary for ESS registration while the 2nd device is needed to scan a QR code for Google Authenticator. If unable to scan a QR code, enter a manual key feature is also available.**

Step 1:

Once online, go to <https://p4.tempusunlimited.org> and you will see the following screen:



Enter this information in the boxes:

Company: Select Tempus Unlimited, Inc.

User Type: Select Attendant, Consumer, or Surrogate.

Username:
PCA → Unique ID**
Consumer → Consumer Number
Surrogate → Remove the First digit from Consumer Number and replace with an “S”
(Example → Cons = 000000 Surr = S00000)

Password: Your password will be the last 4 of your SSN followed by your birthday MMDDYYYY.

After entering the information in the boxes click “Login”

Next, you will be prompt to set up a New Password.

****If you are a PCA and do not know your Unique ID you may refer to your employer for this information. Payroll registers mailed to Tempus consumers contain Employee IDs alongside the name of each PCA receiving pay. The Unique ID can be found by removing the leading Consumer ID from the Employee ID, please see example below.**

Example:

Consumer ID – 99ZZZZ

Employee ID – 99ZZZZ999999

Unique ID - 999999

Step 2:



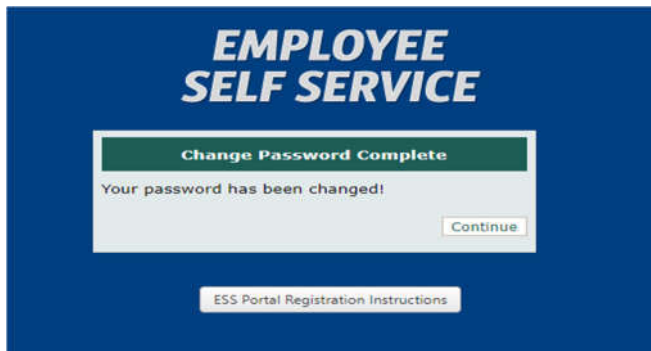
Default Password: Enter default password, format: #####MMDDYYYY

New Password: Create a new password. The password **must** contain the following:

- Between 12-24 characters
- At least one uppercase letter
- At least one lowercase letter
- At least one number
- At least one special character

Confirm New Password: Confirm Password

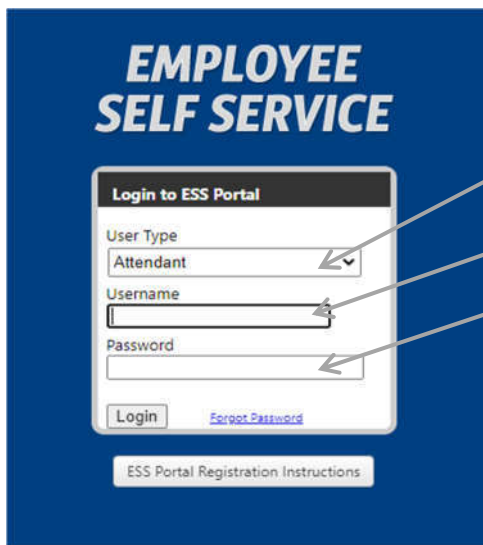
Click “Change Password”



Change Password Complete

Click “Continue”

Step 3:



User Type: Select Attendant, Consumer, or Surrogate

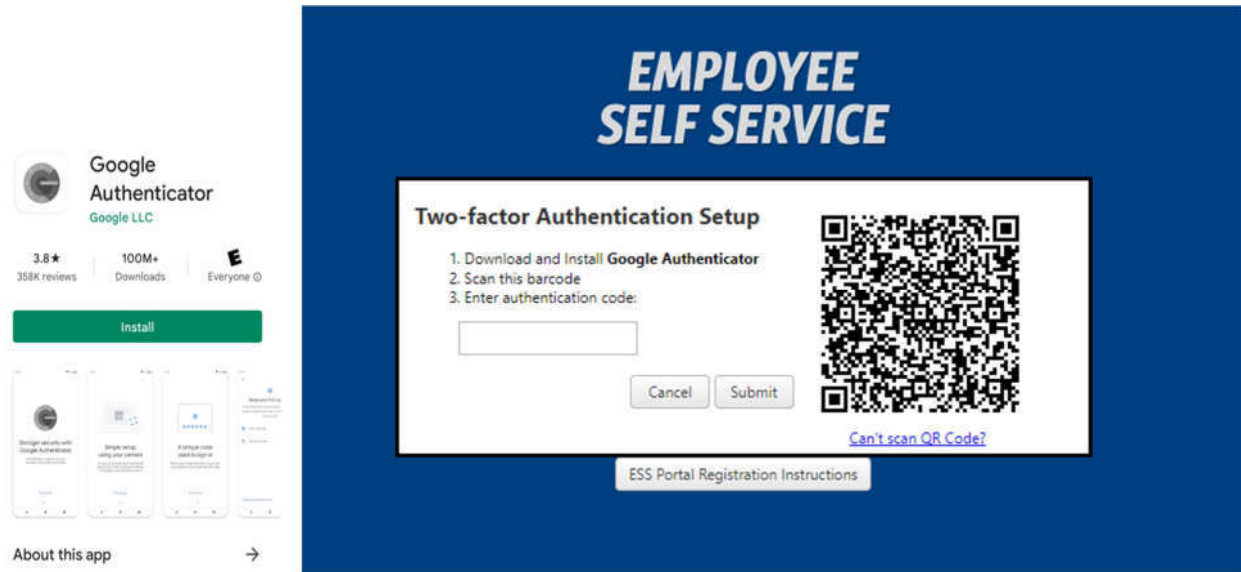
Username: Enter Username

Password: Enter New Password

Step 4:

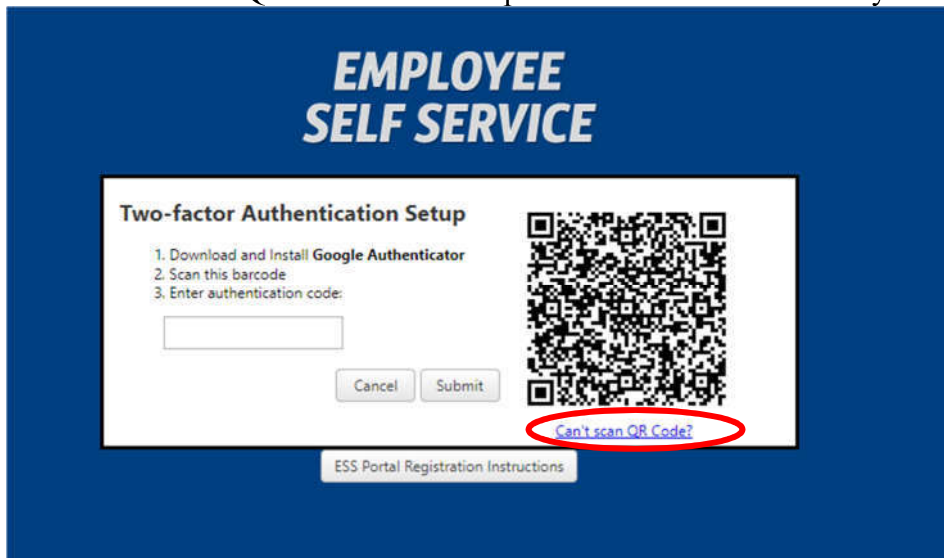
You will be prompted to setup your Two-Factor Authentication. Go to your App Store on your phone and download the Google Authenticator application. Once downloaded, tap on “Scan a QR code”, scan the code on your screen, and enter the code that appears on your Google Authenticator application.

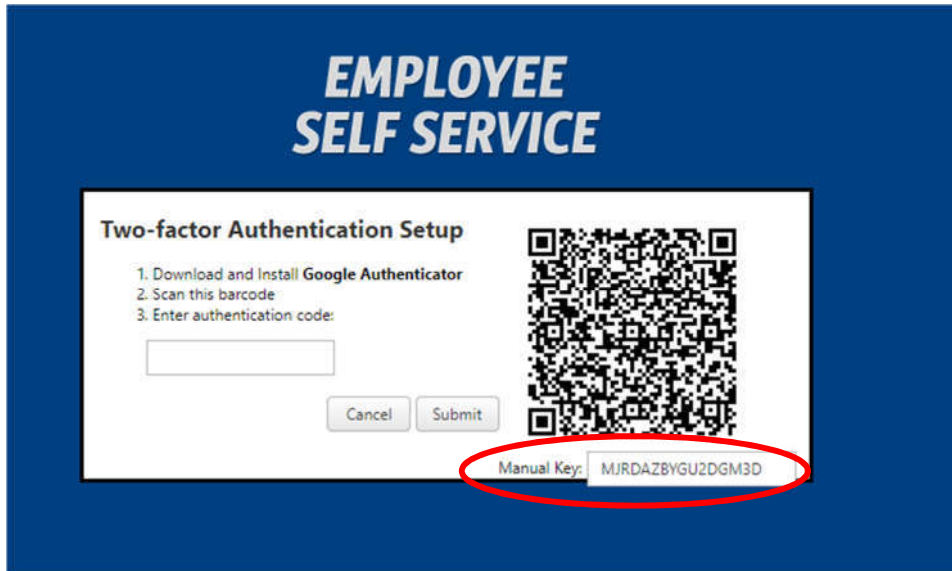
****Please Note – You must download the app, just taking a picture of the QR code will not work****



Unable to scan the QR code? Google Authenticator and ESS Portal also provides the option to enter a setup key.

- Click “Can’t scan QR Code?” on ESS portal to reveal a Manual Key





- In Google Authenticator, tap on “Enter a setup Key”
- Enter Account Details
 - Account – Create a name for the account, for example “Tempus ESS Portal”
 - Key – Enter Manual Key provided by ESS Portal
- “Time based” setting by default
- Click Add

Once you have successfully completed the Google Authenticator, you’ll be directed to your account where you can view your Checks and W2’s.

- Click the arrow next to the Consumer Number (circled above) to view all your checks.

Tempus Unlimited, Inc. Wednesday, December 29, 2021

User Info
 You are logged in as:
 555555
[Logout](#) | [Change Password](#)

Checks			
Consumer	Name		
118888	118888 Consumer		
Check No	Check Date	Net Amount	
1	1/21/2022	\$248.39	View/Print
3239	10/7/2021	\$364.98	View/Print

Login Instructions

Once online, go to <https://p4.tempusunlimited.org> and you will see the following screen:

EMPLOYEE SELF SERVICE

Select Company

Company
Tempus Unlimited, Inc.

Login to ESS Portal

User Type
Attendant

Username

Password

Login [Forgot Password](#)

[ESS Portal Registration Instructions](#)

Enter this information in the boxes:

Company: Select Tempus Unlimited, Inc.

User Type: Select Attendant, Consumer, or Surrogate.

Username:

PCA → Unique ID

Consumer → Consumer Number

Surrogate → Remove the First digit from

Consumer Number and replace with an “S”

(Example → Cons = 000000 Surr = S00000)

Password: Enter Password

After entering the information in the boxes click “Login”

Next, you will be prompted to enter Authentication code provided by Google Authenticator App on your device, click “**Submit**”. Your ESS account will appear upon confirmation of identity.

EMPLOYEE SELF SERVICE

Two-factor Authentication

Open the **Google Authenticator** app on your device to view your authentication code and verify your identity.

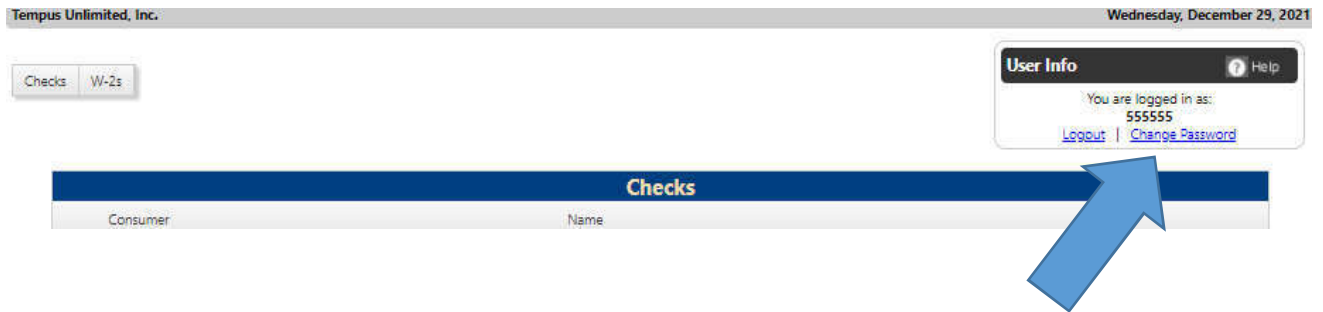
Authentication code:

[Re-setup](#)

Cancel Submit

[ESS Portal Registration Instructions](#)

Change Password Instructions



The 'Change Password' form has a blue header with the title 'Change Password'. It contains three input fields: 'Password:', 'New Password:', and 'Confirm New Password:'. Below the fields are two buttons: 'Change Password' and 'Cancel'.

Password: Enter current password.

New Password: Create a new password.
The password **must** contain the following:

- Between 12-24 characters
- At least one uppercase letter
- At least one lowercase letter
- At least one number
- At least one special character

Confirm New Password: Confirm Password

Click **“Change Password”**

A message will appear confirming “your password has been changed”, click **Continue**. You will be prompt to log back into your account utilizing your new password.

Forgot Password Instructions

EMPLOYEE SELF SERVICE

Select Company
Company
Tempus Unlimited, Inc.

Login to ESS Portal
User Type
Attendant
Username
Password
Login Forgot Password

ESS Portal Registration Instructions

User Type: Select Attendant, Consumer, or Surrogate

Username: Enter Username

Click “Forgot Password”

EMPLOYEE SELF SERVICE

You must change Your Password

Default Password:
New Password:
Confirm New Password:

Change Password Cancel

ESS Portal Registration Instructions

Default Password: Enter default password, format: #####MMDDYYYY

New Password: Create a new password. The password **must** contain the following:

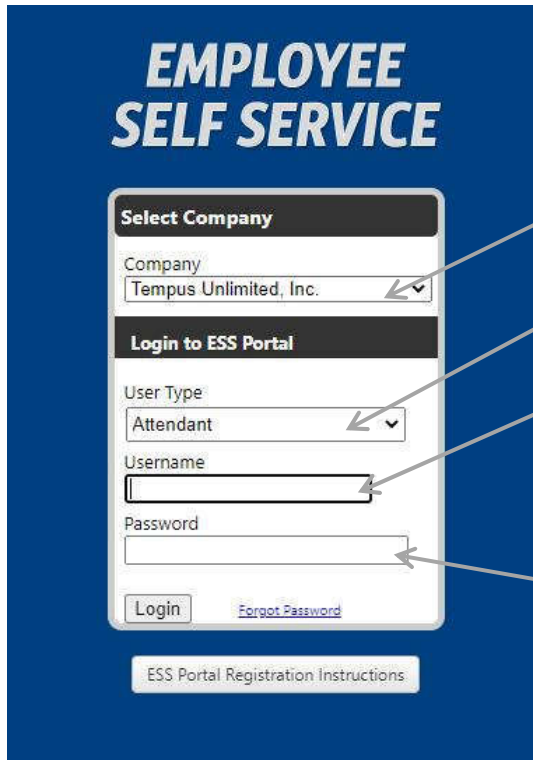
- Between 12-24 characters
- At least one uppercase letter
- At least one lowercase letter
- At least one number
- At least one special character

Confirm New Password: Confirm Password

Click “Change Password”

Google Authenticator - New Device Instructions

Once online, go to <https://p4.tempusunlimited.org> and you will see the following screen:



EMPLOYEE SELF SERVICE

Select Company

Company
 Tempus Unlimited, Inc. ▼

Login to ESS Portal

User Type
 Attendant ▼

Username

Password

Login [Forgot Password](#)

ESS Portal Registration Instructions

Enter this information in the boxes:

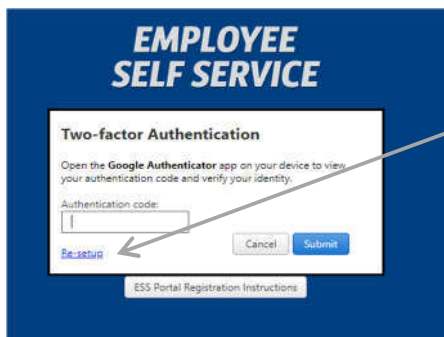
Company: Select Tempus Unlimited, Inc.

User Type: Select Attendant, Consumer, or Surrogate.

Username:
 PCA → Unique ID
 Consumer → Consumer Number
 Surrogate → Remove the First digit from Consumer Number and replace with an “S”
 (Example → Cons = 000000 Surr = S00000)

Password: Enter Password

After entering the information in the boxes click “Login”



EMPLOYEE SELF SERVICE

Two-factor Authentication

Open the **Google Authenticator** app on your device to view your authentication code and verify your identity.

Authentication code:

[Re-setup](#)

ESS Portal Registration Instructions

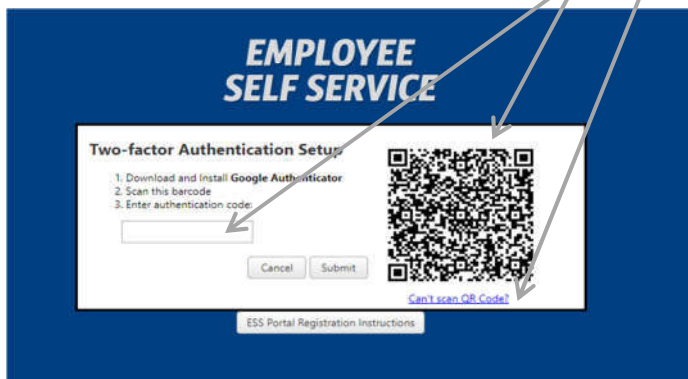
Click “**Re-Setup**” on authentication screen.

Option 1: Scan QR code on device

Option 2: Click “Can’t scan QR Code”, enter Manual Key

Enter code appearing on Google Authenticator App.

Click “**Submit**”



EMPLOYEE SELF SERVICE

Two-factor Authentication Setup

1. Download and install **Google Authenticator**
 2. Scan this barcode
 3. Enter authentication code:

[Can't scan QR Code?](#)

ESS Portal Registration Instructions



EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF MEDICAID
ONE ASHBURTON PLACE, BOSTON, MA 02108



MAURA T. HEALEY
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SECRETARY

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

MIKE LEVINE
ASSISTANT SECRETARY
FOR MASSHEALTH

Earned Paid Time (or “Paid Time Off” or “PTO”) Terms

Accruing PTO

- PCAs will begin accruing PTO from their first day of providing PCA services to a Consumer.
- PCAs will earn one (1) hour of PTO for every thirty (30) hours worked as a PCA across all Consumer employers in the MassHealth PCA Program.
- PCAs can accrue up to fifty (50) hours of PTO per fiscal year (July 1 – June 30).
- Once a PCA accrues fifty (50) hours of PTO in a given fiscal year, accruals will stop until the next fiscal year.
- PCAs may carry over a maximum of fifty (50) hours of unused PTO to the next fiscal/calendar year.

Requesting PTO

- When a PCA works for more than one Consumer, the PCA should submit a Paid Time Off (PTO) Timesheet for each Consumer they are scheduled to work for.
- The PTO Timesheets should show the days and hours for which the PCA is taking PTO.
- PTO hours requested on the Paid Time Off (PTO) Timesheet cannot not overlap with any hours worked or reported across all Consumers.

Using PTO

- PCAs may use PTO during hours regardless of whether they are scheduled to work, however they may not be used at the same time that a PCA is providing personal care to another Consumer.
- PTO must be used in fifteen (15)-minute increments.
- PTO will not be included in the calculation of overtime or any other premium rate(s).
- PCAs may receive overtime pay in the same week that a PCA uses PTO.
- PTO will be paid at the PCA’s prevailing rate and not at a premium rate.
- PTO cannot be used if a Consumer’s MassHealth eligibility has ended or if the PCA has been formally terminated from the PCA Program, but such a PCA may be eligible for PTO Pay Out (see below).



EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
COMMONWEALTH OF MASSACHUSETTS
OFFICE OF MEDICAID
ONE ASHBURTON PLACE, BOSTON, MA 02108



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ASSISTANT SECRETARY
FOR MASSHEALTH

Términos del tiempo pagado acumulado (o “tiempo libre pagado” o “PTO”)

Acumular PTO

- Los PCA empezarán a acumular PTO a partir de su primer día de trabajo como proveedor de servicios de PCA a un Consumidor.
- Los PCA ganarán una (1) hora de PTO cada treinta (30) horas trabajadas como PCA entre todos los Consumidores empleadores del Programa de PCA de MassHealth.
- Los PCA pueden acumular hasta cincuenta (50) horas de PTO por año fiscal (del 1 de julio al 30 de junio).
- Una vez que un PCA ha acumulado cincuenta (50) horas de PTO en un determinado año fiscal, las acumulaciones se suspenderán hasta el próximo año fiscal.
- Los PCA pueden pasar un máximo de cincuenta (50) horas de PTO sin usar al próximo año fiscal o año calendario.

Solicitar PTO

- Cuando un PCA trabaja para más de un Consumidor, el PCA debe informar el Tiempo Libre Pagado (PTO) en una planilla de horas trabajadas por cada Consumidor para quien está programado que trabaje.
- En las planillas de horas trabajadas de PTO, deben aparecer los días y las horas durante los cuales el PCA está tomando PTO.
- Las horas de PTO solicitadas en la planilla de horas trabajadas de Tiempo Libre Pagado (PTO) no pueden superponerse con otras horas trabajadas o informadas entre todos los Consumidores.

Usar el PTO

- Un PCA puede usar el PTO independientemente de que no esté programado para trabajar en esas horas; sin embargo, el PTO no se puede usar al mismo tiempo que el PCA está proveyendo cuidados personales a otro Consumidor.
- El PTO debe ser usado en aumentos de quince (15) minutos.

PTO Pay Out

PCAs terminating employment with all Consumers in the MassHealth PCA Program are eligible for payment for unused accrued PTO.

- Unused accrued PTO will be paid out to PCAs at the end of employment, regardless of whether the PCA left voluntarily or involuntarily.
- To be eligible for a payout for any remaining unused PTO:
 - The PCA must have worked for at least one PCA Consumer, but have ended their employment from **all** Consumers as a PCA in the PCA Program,
 - Have remaining accrued PTO time, and
 - The Termination Form must be submitted within one (1) year of the last date the PCA worked or the date of termination, if later.
- It is preferred to have both the Consumer and the PCA sign and date the Termination Form to initiate payout. However, the Fiscal Intermediary will accept a Termination Form submitted and signed by either the PCA or the Consumer employer.
- If the PCA signs the form, the PCA will attest that they are leaving all employment across all consumers in the PCA program.
- The Termination Form will initiate the payout of all unused PTO.

Note: PCAs who are terminated by MassHealth as a provider will be paid any balance of accrued PTO following the effective date of such termination as a provider.

- The PCA and Consumer will be asked to attest to the Date of Separation from employment on the Termination Form.
 - The Date of Separation is defined as the date that the Consumer and the PCA ended their employment relationship.
 - The PTO will be paid at the wage rate effective as of the Date of Separation.
 - If the Date of Separation is unknown, the last date that the PCA worked for the Consumer will be used.
 - 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 can view their Paid Time Off balance on their paystub, available from the ESS Portal <https://P4.tempusunlimited.org> or by calling Tempus Unlimited at 1-877-479-7577.

- El PTO no será incluido en el cálculo de las horas extra ni de ninguna otra tarifa de primas.
- Un PCA puede recibir el pago de horas extra en la misma semana que usa el PTO.
- El PTO se pagará a la tarifa predominante de los PCA y no a una tarifa de primas.
- El PTO no se puede usar si la elegibilidad de MassHealth de un Consumidor ha finalizado o si el PCA ha sido formalmente apartado del Programa de PCA, pero dicho PCA puede ser elegible para la compensación del PTO (vea más detalles a continuación).

Compensación del PTO

Los PCA que dejan de trabajar para todos los Consumidores del Programa de PCA de MassHealth son elegibles para el pago del PTO acumulado sin usar.

- El PTO acumulado sin usar será pagado a los PCA al finalizar el empleo, independientemente de si el PCA ha cesado su actividad voluntaria o involuntariamente.
- Para ser elegible para recibir una compensación por cualquier PTO remanente sin usar:
 - El PCA debe haber trabajado para al menos un Consumidor de servicios de PCA, pero debe haber terminado su relación de trabajo con **todos** los Consumidores como PCA del Programa de PCA,
 - El PCA debe tener PTO acumulado remanente, y
 - El *Formulario de terminación del empleo* debe ser presentado dentro del plazo de un (1) año desde la última fecha en que el PCA prestó servicios o desde la fecha de terminada la relación de trabajo, si fuera posterior.
- Para iniciar la compensación, es preferible que tanto el Consumidor como el PCA incluyan su firma y la fecha en el *Formulario de terminación del empleo*. No obstante, el Intermediario Fiscal (FI) aceptará un *Formulario de terminación del empleo* presentado y firmado ya sea por el PCA o por el Consumidor empleador.
- Si el PCA firma el formulario, el PCA declara que se está retirando de todos los empleos entre todos los Consumidores del Programa de PCA.
- El *Formulario de terminación del empleo* iniciará la compensación de todo PTO sin usar.

Nota: A los PCA que MassHealth deje cesantes como proveedores se les pagará todo el saldo de PTO acumulado después de la fecha efectiva de dicha cesantía como proveedor.

- Al PCA y al Consumidor se les pedirá que declaren la fecha de cese laboral en el *Formulario de terminación del empleo*.
 - La fecha de cese laboral se define como la fecha en que el Consumidor y el PCA ponen fin a su relación de trabajo.
 - El PTO se pagará a la tarifa salarial vigente a la fecha de cese laboral.
 - Si no se conoce la fecha de cese laboral, se tomará en cuenta la última fecha en que el PCA trabajó para el Consumidor.
 - El Intermediario Fiscal emitirá la compensación del PTO acumulado sin usar con la próxima nómina programada después de recibir un Formulario de terminación del empleo completado detalladamente.
- Los PCA pueden ver su saldo de Tiempo Libre Pagado en su talonario de sueldo, disponible en el Portal ESS <https://P4.tempusunlimited.org> o llamando a Tempus Unlimited al 1-877-479-7577.



Personal Care Attendant Quality
Home Care Workforce Council
1 Ashburton Place, 11th Floor
Boston, Massachusetts 02108

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

September 23, 2019

Tel: (617) 573-1712

www.mass.gov/pca

Email: pcacouncil@state.ma.us

Facebook:

www.facebook.com/MassPCA

Dear Personal Care Attendant (PCA):

You are receiving this notice because you provide Personal Care Attendant (PCA) services to a MassHealth member who is your consumer-employer. **This notice provides benefit and other information related to the Massachusetts Family and Medical Leave law.** The PCA Quality Home Care Workforce Council (FEIN: 81-0783359) is sending you this notice in accordance with M.G.L. c. 175M.

Employer Notice to Employee

Rights and Obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M IMPORTANT INFORMATION FOR ALL PERSONAL CARE ATTENDANTS (PCAs)

Explanation of Benefits

Beginning October 1, 2019: Fiscal intermediaries for the PCA Program will deduct contributions from your wages to fund the Department of Family and Medical Leave (DFML) Employment Security Trust Fund. This means you will start seeing new deductions starting October 1, 2019. The benefits will be available starting in 2021.

Beginning January 1, 2021:

- You may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child.
- You may be entitled to up to 12 weeks of paid family leave in a benefit year because a family member is on active duty or has an upcoming call to active duty in the Armed Forces.
- You may be entitled to up to 20 weeks of paid medical leave in a benefit year if you have a serious health condition that prevents you from working.
- You may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or addressing consequences of a serious health condition related to military service.

Beginning July 1, 2021:

- You may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.
- You may be eligible for up to 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- A weekly benefit amount will be based on your earnings, with a maximum benefit of \$850 per week.



Employer/Employee Contributions to the DFML Security Trust Fund

Currently, the total contribution amount is 0.75% of wages. Of that 0.75% total contribution amount, there is a split: 17.3% is a family leave contribution and 82.7% is a medical leave contribution. Employees and employers will share in the contribution to this benefit. Employees will contribute to the benefit through 0.38% deductions from wages. MassHealth will contribute the remaining amount (0.37%) on behalf of your consumer-employer. This means that if you earned \$100, \$0.38 would be deducted from your paycheck. This consists of \$0.13 to cover your family leave contribution and \$0.25 to cover your medical leave contribution. These deductions are determined based on your total wages. That means if you made \$95 in regular pay and \$5 in overtime pay, the deduction would be determined based on the total \$100 in wages.

How to File a Claim

To access paid family and medical leave benefits, you must file claims with the DFML using DFML forms. Forms and claim instructions will be available before January 2021 on the Department's website, www.mass.gov/DFML.

You are required to provide at least 30 days' notice to your PCA consumer-employer of the anticipated date of any leave, the anticipated length of the leave, and the expected date of return. An employee who is unable to provide 30 days' notice due to circumstances beyond his or her control is required to provide notice as soon as practical.

Department of Family and Medical Leave (DFML) Contact Information

The Massachusetts Department of Family and Medical Leave
Charles F. Hurley Building
19 Staniford Street, 1st Floor
Boston, MA 02114
(617) 626-6565 / www.mass.gov/DFML

Payment for Concurrent Leave

Any paid leave provided under a collective bargaining agreement or employer policy and paid at the same or higher rate than paid leave available under this law shall count against the allotment of leave benefits available under this law.

Questions

If you have questions about the law, please contact the Department of Family and Medical Leave at (617) 626-6565 or visit their website at www.mass.gov/DFML.

ACKNOWLEDGMENT

Your signature below acknowledges your receipt of the information above. Please retain a copy for your reference. If you refuse to sign this acknowledgment, please submit a signed statement indicating that you refuse to sign this acknowledgement.

Signature

Date

Name (Print)

Return to: Tempus Unlimited, Inc.
600 Technology Center Dr.
Stoughton, MA 02072
Or Fax to: 1-800-359-2884



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Septiembre 23, 2019

Estimado/estimada Asistente de Cuidados Personales (PCA):

Usted recibe este aviso debido a que presta servicios de Asistente de Cuidados Personales (PCA) a un afiliado de MassHealth que es su consumidor-empleador. **En el presente aviso le ofrecemos información sobre el beneficio y otros temas afines de la Ley de Licencia Familiar y Médica del estado de Massachusetts.** El Consejo para la Calidad de la Fuerza Laboral de Asistencia en el Hogar de PCA (*PCA Quality Home Care Workforce Council*) (FEIN: 81-0783359) le envía este aviso según dicha ley M.G.L. c. 175M.

Aviso del empleador al empleado

Derechos y obligaciones conforme a la Ley de Licencia Familiar y Médica (FMLA), M.G.L. c. 175M
INFORMACIÓN IMPORTANTE PARA TODOS LOS ASISTENTES DE CUIDADOS PERSONALES (PCA)

Explicación de los beneficios

A partir del 1.º de octubre del 2019: A partir del 1.º de octubre del 2019, comenzarán las contribuciones al Fondo Fiduciario de Seguridad Laboral y Familiar del Departamento de Licencias Familiares y Médicas (DFML). Esto significa que, a partir de esa fecha, usted empezará a ver nuevas deducciones en su cheque de pago.

A partir del 1.º de enero del 2021:

- Los empleados tienen derecho a recibir hasta 12 semanas de licencia familiar pagada por año del beneficio debido al nacimiento o a la adopción de un niño o por recibir a un niño en cuidado de crianza.
- Los empleados tienen derecho a usar hasta 12 semanas de licencia familiar pagada por año del beneficio debido a que un familiar esté prestando servicio activo o que haya sido notificado de un llamado inminente para prestar servicio activo en las Fuerzas Armadas.
- Los empleados tienen derecho a usar hasta 20 semanas de licencia médica pagada por año del beneficio si padecieran una enfermedad grave que les impidiera trabajar.
- Los empleados tienen derecho a usar hasta 26 semanas de licencia médica pagada por año del beneficio para cuidar a un familiar que sea un miembro de servicio cubierto por el beneficio y que esté en tratamiento médico o que padezca una enfermedad grave relacionada con su servicio militar.

A partir del 1.º de julio del 2021:

- Los empleados tienen derecho a usar hasta 12 semanas de licencia familiar pagada por año del beneficio para cuidar a un familiar que padezca una enfermedad grave.
- Los empleados podrán usar hasta 26 semanas de licencia familiar y médica pagada, en total, en un mismo año del beneficio.
- El monto del beneficio semanal que recibirá el empleado dependerá de los ingresos del empleado, considerando un beneficio máximo de \$850 por semana.

Contribuciones del empleador y del empleado al Fondo Fiduciario de Seguridad Laboral y Familiar del DFML

A la fecha, la contribución total es del 0.75% de su salario. De ese aporte total del 0.75%, el 0.13% es la contribución para la licencia familiar y el 0.62% es la contribución para la licencia médica. Los empleadores y los empleados participan en la contribución que darán para financiar este beneficio. Los empleados contribuirán con el 100% del beneficio de licencia familiar mediante deducciones de la nómina. Los empleados contribuirán con el 40% de la licencia médica mediante deducciones de la nómina y los empleadores contribuirán el 60% (00.372% de ese salario) restante. Esto significa que si usted se gana \$100, se le descontarán \$0.38 de su cheque de pago. Esto representa una contribución de \$0.13 para la licencia familiar y de \$0.25 para su contribución para la licencia médica. El monto de estas deducciones se determina según el total de su salario. Esto significa que si usted percibió \$95 en pago por horas corrientes y \$5 por horas extra, la deducción se basaría en ese total de \$100 de salario.

Cómo presentar una solicitud del beneficio

Para acceder a los beneficios de la Licencia Familiar y Médica Pagada, los empleados tienen que presentar la solicitud al DFML, usando los formularios del DFML. Los formularios y las instrucciones de cómo presentar la solicitud estarán disponibles antes de enero del 2021 en el sitio web del Departamento: www.mass.gov/DFML.

Los empleados tienen la obligación de notificar a su empleador, con por lo menos 30 días de antelación, la fecha estimada de licencia, la duración prevista de la licencia y la fecha prevista para su regreso al trabajo. El empleado que no pueda dar los 30 días de aviso previo debido a circunstancias más allá de su control, debe notificarle a su empleador tan pronto como le sea práctico hacerlo.

Información de contacto del Departamento de Licencias Familiares y Médicas (DFML)

The Massachusetts Department of Family and Medical Leave
Charles F. Hurley Building
19 Staniford Street, 1st Floor
Boston, MA 02114
(617)626-6565 / www.mass.gov/DFML

Pago por licencias concurrentes

Toda licencia pagada que se otorgue según un contrato de negociación colectiva o según las normas internas del empleador y que se pague a la misma tasa o mayor que la licencia pagada disponible según la presente ley, deberá contarse como parte de los beneficios de licencia disponibles conforme a lo que se estipula en esta ley.

¿Tiene preguntas?

Si usted tiene preguntas acerca de la ley, por favor comuníquese con el Departamento de Licencias Familiares y Médicas, llamando al (617) 626-6565 o visite su sitio web www.mass.gov/DFML.

ACUSE DE RECIBO

Con su firma consignada a continuación, usted reconoce haber recibido la información que se detalla anteriormente. Sírvase guardar una copia para su referencia. Si se niega a firmar este acuse de recibo, por favor presente una declaración firmada en la que indica que se niega a firmarlo.

Firma

Nombre (en letra de molde)

Fecha

Enviar a: Tempus Unlimited, Inc.
600 Technology Center Dr.
Stoughton, MA 02072
Or Fax to: 1-800-359-2884