



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.

**The Department of Industrial Accidents (DIA) Notice:** The Tempus Unlimited, Inc. FI Program provides each consumer with the Department of Industrial Accidents (DIA) Notice. Any Worker 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 Department of Industrial Accidents (DIA) 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 4<sup>th</sup>, 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.

## PERSONAL CARE ATTENDANT JOB DESCRIPTION

Personal Care Attendants (PCAs) are MassHealth providers who provide medically necessary hands-on assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs) to MassHealth members who have been determined eligible by MassHealth to receive PCA services. PCAs are the employees of the MassHealth members to whom they provide PCA services (also called consumer employers) and of the PCA Workforce Council for purposes of collective bargaining.

Each consumer employer has particular ADL and IADL needs. PCAs may ask their consumer employer for a description of the consumer employer's specific ADL and IADL needs. Provided below are lists of ADLs and IADLs covered under the MassHealth PCA program. These are the types of ADLs and IADLs that a consumer employer may request you to perform and for which you may receive payment for performing under the MassHealth PCA program.

The MassHealth regulations governing the PCA Program are located at 130 CMR 422.000, which contain more information about covered and noncovered services, as well as other program requirements. Covered ADLs include assistance with:

- mobility
- passive range of motion exercises
- assistance with medications
- bathing or grooming
- dressing
- eating
- toileting

Covered IADLs include assistance with the following task examples, or other IADLs that are included in the consumer employer's prior authorization or approved evaluation. Note: Assistance with IADLs must be provided for the benefit of the consumer employer only and is not covered when provided for other individuals in the consumer employer's household.

- Laundry for the consumer employer
- Shopping for the consumer employer
- Housekeeping for the consumer employer
- Meal preparation and clean-up for the consumer employer
- Accompanying the consumer employer to medical appointments
- Assisting the consumer employer with maintaining wheelchairs and adaptive equipment

Tasks that are not covered by the MassHealth PCA Program include the following examples. The below list of examples does not include all of the possible noncovered services. These and other noncovered services are not paid for by MassHealth. (Nothing in this list should be construed to preclude MassHealth coverage of tasks performed in accordance with a consumer employer's prior authorization and approved evaluation.)

- Providing assistance with ADLs and IADLs while the consumer employer is admitted to a nursing facility, hospital, or other in-patient facility
- Cooking meals or doing laundry for individuals in the household other than the consumer employer
- Performing household tasks that are not incidental to the care of the consumer employer such as mowing the lawn and cleaning the gutters or pipes
- Babysitting
- Feeding animals/cleaning animal litter (with the exception of authorized care of service animals).
- Tasks that involve illegal activity prohibited by federal or state law

PCAs are entitled to a safe working environment and are not expected to participate in any aspect of the employer/employee relationship that threatens her or his health and safety. This includes an environment that is free of abuse, inappropriate physical or sexual behavior, and sexual harassment.

## ASISTENTE DE CUIDADOS PERSONALES DESCRIPCIÓN DE FUNCIONES

Los Asistentes de Cuidados Personales (PCA) son proveedores de MassHealth que brindan asistencia médicamente necesaria y de manera práctica con Actividades de la Vida Diaria (ADL) y con Actividades Instrumentales de la Vida Diaria (IADL) a los afiliados de MassHealth que hayan sido considerados elegibles para recibir servicios de PCA. Los PCA son los empleados de los afiliados de MassHealth (también llamados consumidores empleadores) a quienes les brindan servicios de PCA y son empleados del Consejo de Fuerza Laboral de PCA a efectos de las negociaciones colectivas de trabajo.

Cada consumidor empleador tiene necesidades especiales de ADL y de IADL. Los PCA le pedirán a su consumidor empleador una descripción de las necesidades específicas de ADL y de IADL del consumidor empleador. A continuación, se brindan listas de actividades ADL y IADL cubiertas según el Programa de PCA de MassHealth. Estos son los tipos de ADL y de IADL que el consumidor empleador podría pedirle que realice y para las cuales usted podría recibir pagos si las realiza según el Programa de PCA de MassHealth.

El reglamento de MassHealth que rige el Programa de PCA se halla en 130 CMR 422.000, el cual contiene más información sobre servicios cubiertos y sin cobertura, como así también otros requisitos del programa. Las actividades ADL cubiertas incluyen la asistencia con:

- movilidad
- los ejercicios pasivos de rango de movimiento
- los medicamentos
- bañarse e higiene personal
- vestirse
- comer
- ir al baño

Las actividades IADL cubiertas incluyen asistencia con los siguientes ejemplos de tareas, u otras IADL que estén incluidas en la autorización previa (PA) o la evaluación aprobada del consumidor empleador. Nota: La asistencia con las IADL se debe brindar solamente para el beneficio del consumidor empleador y no está cubierta cuando se la brinda a otras personas que estén en el hogar del consumidor empleador.

- Lavar la ropa del consumidor empleador
- Hacer compras para el consumidor empleador
- Quehaceres domésticos para el consumidor empleador
- Preparación de comidas y hacer limpieza ligera para el consumidor empleador
- Acompañar al consumidor empleador a sus citas médicas
- Asistir al consumidor empleador con el mantenimiento de la silla de ruedas y el equipo adaptativo

Las tareas que no están cubiertas según el Programa de PCA de MassHealth incluyen los siguientes ejemplos. La lista de ejemplos que sigue no incluye el total de los servicios posibles sin cobertura. Estos y otros servicios sin cobertura no serán pagados por MassHealth. (Ningún servicio indicado en esta lista deberá ser interpretado como excluido de la cobertura de MassHealth por las tareas realizadas de acuerdo con la autorización previa y la evaluación aprobada del consumidor empleador.)

- Brindar asistencia con las ADL y las IADL mientras el consumidor empleador esté internado en un centro de enfermería, hospital u otro centro de hospitalización
- Cocinar comidas o lavar la ropa de personas que estén en el hogar pero que no sean el consumidor empleador
- Realizar quehaceres domésticos que no estén relacionados al cuidado del consumidor empleador tales como cortar el césped y limpiar canaletas o tuberías
- Cuidado infantil
- Alimentar animales o limpiar la arena sanitaria de las mascotas (con la excepción del cuidado de animales de servicio autorizados).
- Tareas que involucran actividades ilegales y prohibidas según las leyes federales o estatales

Los PCA tienen derecho a trabajar en entornos de trabajo seguros y no se espera que participen en ningún aspecto de la relación entre el consumidor y el empleado que amenace la salud y la seguridad del PCA. Esto incluye trabajar en un entorno sin maltrato, ni conductas físicas o sexuales inapropiadas y sin acoso sexual.

## **MassHealth Personal Care Attendant (PCA) Program Notice to Personal Care Attendant**

### **RE: PCA Program Covered Services and Non-Covered Services and Tasks**

The past year has been a difficult time for all of us. We've had to cope with major changes to our lives, and faced challenges during this coronavirus pandemic that we've never faced before. But we've seen extraordinary commitment from the direct care workforce during this time, including personal care attendants (PCAs). The MassHealth PCA program staff at the Executive Office of Health and Human Services (EOHHS) is deeply grateful for your help in ensuring that consumers in the MassHealth PCA program continue to receive these important medically necessary services.

EOHHS understands that, because of the coronavirus, PCAs may be providing services differently from before the pandemic. But all tasks performed by PCAs must still be for services that are covered by the MassHealth PCA program. It is important that PCAs understand which tasks are covered services and which are non-covered services because **non-covered services are not eligible for payment under the MassHealth PCA program.**

### **Covered Services**

**Your Consumer-employer may only schedule you to provide services that are covered under the PCA program.**

The services covered under the PCA program consist of physical (hands-on) assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs) for the benefit of the consumer-employer.

Please review the attached PCA job description, which provides an overview of the ADLs and IADLs covered under the PCA program. Covered ADLs and IADLs are also described in the PCA Program regulation at 130 CMR 422.411.

### **Non-covered Services and Tasks**

**Your Consumer-employer is not permitted to schedule you to perform tasks that are non-covered services. Non-covered services are not eligible for payment under the PCA program.** The below descriptions and the descriptions in the attached PCA job description provide services and tasks that are NOT covered under the PCA program:

Non-covered services and tasks include such things as:

- **ADLs/IADLs provided while your Consumer-employer is admitted to a hospital or nursing facility;**
- ADLs/IADLs provided while your consumer employer is receiving another MassHealth-covered service that provides personal care, such as adult foster care and group adult foster care; or during times of the day that your consumer employer is attending an adult day health or day habilitation program.
- IADLs performed by you for the benefit of other household members;
- cueing and supervision, which means reminding about and watching consumer-employers performing tasks, such as reminding a consumer-employer to eat lunch and then watching the consumer-employer throughout the entire meal; and
- tasks that are not incidental to the provision of care to your consumer employer, such as babysitting, mowing the lawn, cleaning the gutters, raking the yard, and similar activities.

### **Penalties for Providing Non-covered Services and Tasks**

**PCAs may not be paid for non-covered services and may be subject to sanctions for performing non-covered services and tasks,** which could include administrative fines, or suspension or termination as a PCA.

### **For More Information**

If you have questions, contact your consumer-employer or fiscal intermediary (FI).



## **Programa de Asistente de Cuidados Personales (PCA) de MassHealth Aviso para el Asistente de Cuidados Personales**

### **Ref.: Servicios cubiertos y tareas y servicios sin cobertura del Programa de PCA**

El último año ha sido un tiempo difícil para todos nosotros. Hemos tenido que sobrellevar grandes cambios en nuestra vida y hemos enfrentado desafíos durante la pandemia del coronavirus que nunca antes habíamos enfrentado. Pero durante estos tiempos hemos visto un compromiso extraordinario de parte de los trabajadores de atención directa, incluidos los asistentes de cuidados personales (PCA). El personal del Programa de Asistente de Cuidados Personales (PCA) de MassHealth en la Oficina Ejecutiva de Salud y Servicios Humanos (EOHHS) le agradece profundamente por su colaboración en garantizar que los consumidores del Programa de PCA de MassHealth sigan recibiendo estos importantes servicios médicamente necesarios.

La EOHHS comprende que, debido al coronavirus, los PCA podrían estar brindando servicios de manera diferente que antes de la pandemia. Aun así, todas las tareas realizadas por los PCA deberán ser servicios que sean cubiertos por el Programa de PCA de MassHealth. Es importante que los PCA comprendan cuáles tareas corresponden a servicios cubiertos y cuáles no son servicios cubiertos, porque **los servicios sin cobertura no serán pagados por el Programa de PCA de MassHealth.**

### **Servicios cubiertos**

**Su Consumidor empleador solamente podrá programar horarios para que usted brinde servicios que están cubiertos por el Programa de PCA.** Los servicios cubiertos por el Programa de PCA consisten en brindar asistencia física (práctica) con las actividades de la vida diaria (ADL) y las actividades instrumentales de la vida diaria (IADL) en beneficio del consumidor empleador.

Por favor revise la Descripción de funciones de PCA adjunta, la cual brinda información general sobre las ADL y las IADL cubiertas por el Programa de PCA. También se describe las ADL y las IADL cubiertas en el reglamento del Programa de PCA en 130 CMR 422.411.

### **Tareas y servicios sin cobertura**

**No está permitido que su Consumidor empleador programe sus horarios para realizar tareas que sean servicios sin cobertura. Los servicios sin cobertura no son elegibles para ser pagados por el Programa de PCA.** Las siguientes descripciones y las definiciones incluidas en la Descripción de funciones de PCA adjunta, indican las tareas y los servicios que NO están cubiertos por el Programa de PCA:

Las tareas y los servicios sin cobertura incluyen, entre otros, actividades tales como:

- **las ADL o las IADL provistas mientras su Consumidor empleador esté internado en un hospital o en un centro de enfermería especializada;**
- las ADL o las IADL provistas mientras su consumidor empleador esté recibiendo otro servicio cubierto por MassHealth que brinde cuidados personales, tales como cuidado temporal para adultos y cuidado grupal temporal para adultos; o durante el día en que su consumidor empleador asista a programas de atención de salud diaria para adultos o de rehabilitación diurna;
- las IADL realizadas por usted en beneficio de otros integrantes del hogar;
- brindar recordatorios y supervisión, lo cual significa observar y recordar a los consumidores empleadores que realicen ciertas actividades, tales como recordarle al consumidor empleador que coma su almuerzo y luego observar al consumidor empleador durante toda la comida; y
- las tareas que no sean esenciales para brindarle cuidados a su consumidor empleador, tales como cuidado infantil, cortar el césped, limpiar las canaletas, barrer las hojas del jardín, y otras actividades similares.

### **Sanciones por brindar tareas y servicios sin cobertura**

**Es posible que no se les pague a los PCA por realizar servicios sin cobertura y podrían estar sujetos a recibir sanciones por realizar tareas o servicios sin cobertura,** las cuales podrían incluir multas administrativas, o la suspensión o la terminación de la relación de trabajo como PCA.

### **Para obtener más información**

Si usted tiene preguntas, comuníquese con su consumidor empleador o con el Intermediario Fiscal (FI).





# 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 enformasyon enpòtan sou fason pou aplike pou Benefits 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.

សៀវភៅប្រុងប្រយ័ត្ននេះមានព័ត៌មានសំខាន់ៗអំពីរបៀបដាក់ពាក្យសុំប្រាក់កម្រៃប្រយោជន៍ការពារពាក់ព័ន្ធនឹងការងារ។

កញ្ចប់នេះ  
 Cuốn sách mỏng này bao gồm thông tin quan trọng về cách nộp đơn xin hưởng thất nghiệp

ແຕ່ນេះຈຳນວນນຶ່ງວ່າຈັບວິທີການຂໍເອົາເງິນຕື້ນຜະໂນຍອນເປັນຄັ້ງ ຫຼື ຫຼຸດຮາງງານ.

这本小册子包括如何申请失业保险的重要信息。

이 팜플렛에는 실업 보험 금액의 신청 방법에 대한 중요한 정보가 들어 있습니다.

يحتوي هذا الكتيب على معلومات هامة حول كيفية التقدم للحصول على مبالغ تلقى البطالة.

### Equal opportunity employer program

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



THE COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
 DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

## 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

C/O Tempus Unlimited, Inc.  
 600 Technology Center Drive  
 Stoughton, MA 02072

Phone number

Federal employer ID number



THE COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
 DEPARTMENT OF UNEMPLOYMENT ASSISTANCE



## File Online

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

For assistance creating a UI Online account, visit: [www.mass.gov/dua/fileclaim](http://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](http://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](http://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](http://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 September 28, 2020

Effective **October 1, 2020**, MassHealth will be adding one additional hour to the New Hire Orientation curriculum for Personal Care Attendants (PCAs) providing MassHealth-covered PCA services for a total of four hours. The additional hour will consist of infection control training and will provide information and strategies meant to prevent the spread of disease in home and community-based settings and promote the ongoing health and safety of both Consumers and PCAs.

**Any PCA who has not completed New Hire Orientation prior to October 1, 2020, will be required to complete a total of four hours of training, inclusive of infection control.**

Please note the following important updates regarding PCA New Hire Orientation:

### General Information

- Beginning on October 1, 2020, the PCA New Hire Orientation will be expanded to four hours in total, which consists of the original three hours plus the additional one-hour infection control training.
- As of the date of this notice, all infection control training is offered online through video conferencing.

### Online New Hire Orientation

- Online New Hire Orientation classes will be offered, which includes the additional hour for infection control training. This curriculum may be offered in two separate two-hour sessions, one four-hour session, or other offerings.
- For any multi-session New Hire Orientation, PCAs must complete all sessions to meet the New Hire Orientation requirement. It is expected that PCAs complete all sessions within 30 days of taking the first session.

### Consumer-Taught Paper New Hire Orientation

- PCAs who receive consumer-taught New Hire Orientation (delivered in-person on paper) must complete one hour of online infection control training.
- PCAs must complete both the consumer-taught orientation as well as the infection control session to meet the New Hire Orientation requirement. It is expected that PCAs complete the infection control session within 30 days of the consumer-taught paper training.

### Payment

- Payment for the four-hour New Hire Orientation will be issued to PCAs **only after completion of all four hours, and all sessions, inclusive of the infection control training**, of the New Hire Orientation curriculum.

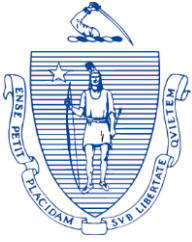
For more information, consumers should contact their assigned Personal Care Management agency.



### 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 16<sup>th</sup>)**
  - *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 3<sup>rd</sup> 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, 11<sup>th</sup> 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](http://www.mass.gov/pca)

Email: [pcacouncil@state.ma.us](mailto:pcacouncil@state.ma.us)

Facebook:

[www.facebook.com/MassPCA](http://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](http://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, 1<sup>st</sup> Floor  
Boston, MA 02114  
(617) 626-6565 / [www.mass.gov/DFML](http://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](http://www.mass.gov/DFML).

## **ACKNOWLEDGMENT**

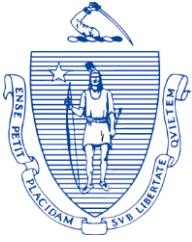
Your signature below acknowledges your receipt of the information above. Please retain a copy for your reference. If you refuse to sign this acknowledgment, please submit a signed statement indicating that you refuse to sign this acknowledgement.

\_\_\_\_\_  
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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Facebook:  
[www.facebook.com/MassPCA](http://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](http://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, 1<sup>st</sup> Floor  
Boston, MA 02114  
(617)626-6565 / [www.mass.gov/DFML](http://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](http://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



CHARLES D. BAKER  
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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, 5<sup>th</sup> Floor  
Boston, Massachusetts 02108



DANIEL TSAI  
Assistant Secretary for  
MassHealth  
[www.mass.gov/eohhs](http://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 facilitararlo, 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 **firmo 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.