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CONSUMER DIRECTED CARE (CDC) WORKERS EARNED PAID TIME OFF (PTO)

Effective July 1, 2019, Consumer Directed Care Workers (CDC) shall be eligible for earned Paid Time Off (PTO). Formerly, CDC workers were eligible for earned sick time. As of July 1, 2019, all earned sick time will convert to PTO and CDC workers shall only be eligible for earned PTO.

Used PTO must be reported on a separate timesheet: the CDC Services PTO Timesheet. You have previously utilized the PCA timesheet for PTO, and EOEA is now releasing a CDC specific PTO timesheet. Your employer, the Home Care Consumer, will obtain CDC Services PTO Timesheet from their Fiscal Intermediary. Any PTO reported on a Regular CDC Services Time Sheet will not be processed for payment. Please familiarize yourself with the following important information about PTO.

Important Information about Paid Time Off:

CDC workers will earn 1 hour of PTO for every 30 hours worked. CDC workers can 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 CDC worker across all consumer employers in the Home Care CDC Program.

CDC workers may not accrue more than 50 hours of PTO. However, if a CDC worker uses PTO, the CDC worker may continue to accrue up to 50 hours of PTO. For example, if a CDC worker earned 50 hours of PTO, then in the 10th month of the year took 20 hours of PTO, the CDC worker would have a balance of 30 hours of PTO. That CDC worker could continue to earn additional PTO up to the maximum amount of 50 hours PTO.

CDC workers may carry over up to 50 hours of unused earned PTO to the next year. However, a CDC worker may never have more than 50 hours of unused earned PTO so the CDC worker must use PTO to be able to start accruing again. CDC workers may receive overtime pay in the same week that a CDC worker uses PTO.

All CDC workers who work enough hours must be allowed to accrue 50 hours per year of earned PTO.

CDC workers begin accruing PTO from their first date of actual work.

PTO can be used for any reason that the CDC worker cannot or chooses not to work scheduled time. Reasons may include vacation, personal time, sick time, domestic violence, or consumer unavailability. PTO may not be used if a consumer's home care eligibility has ended.

It is the CDC workers' responsibility to use PTO in amounts consistent with their regular schedule. For example, if a CDC worker typically works 3 hours a day 2 days a week, they should use PTO consistent with that schedule. That CDC worker should not, for example, take 8 hours of PTO for 5 days in a week.

PTO cannot be taken at the same time/same hours that the CDC worker is providing care to another consumer utilizing CDC services (i.e., a CDC worker cannot submit a CDC Services PTO Timesheet for providing CDC services seeking regular pay and submit a CDC Services PTO Timesheet seeking pay using earned PTO for the same hours). CDC workers are entitled to use earned PTO in 15-minute intervals. The shortest time period for which a CDC may use earned PTO is 15 minutes.

PTO will not count toward the calculation of overtime or other premium rates. However, a CDC worker who works more than 40 hours in a given week can receive overtime pay in the same week that a CDC worker uses PTO. For example, if a CDC worker typically worked 50 hours in a week and took 5 hours of PTO, that CDC worker would be paid for 45 hours of regular time, 5 hours of overtime premium and 5 hours of PTO.

CDC workers should submit a CDC Services PTO Timesheet for each consumer from whom they are requesting PTO. For example, if a CDC worker works for 2 employers on Monday and would like to take Monday off, the CDC worker should submit two Paid Time Off Activity Forms. The Paid Time Off Activity Forms should reflect the regularly scheduled hours for which the CDC worker is taking PTO. The CDC worker should not submit CDC Services PTO Timesheet for different consumers with overlapping PTO reported. PTO hours requested on the CDC Services PTO Timesheet cannot not overlap with any hours worked or reported across all Consumers.

CDC workers must make a good faith effort to provide reasonable notice to the consumer employer of the intent to use PTO in advance of the use of earned PTO. Reasonable notice may include compliance with the consumers' reasonable notification policy and procedure that the CDC customarily uses to communicate with the consumer for absences or requesting leave. If the consumer does not have an existing policy and procedure for providing reasonable notice, the consumer must establish such a policy or procedure, preferably in writing. The policy and procedure should enable the CDC worker to effectively provide reasonable notice in a way that can be documented.

A CDC worker can view his or her unused accrued Paid Time Off balance on their paystub or by calling Tempus Unlimited at 1-877-479-7577.