**Notice to Non-Agency Based Home Care Workers Regarding the Federal Paid Leave Programs**

**April 20, 2020**

**The purpose of this notice is to provide information on the two federal Paid Leave programs that may be available to you.**

**What Are The New Federal Leave Programs?**

The federal government recently passed the Families First Coronavirus Response Act (Act). The Act created two Paid Leave programs related to COVID 19:

1. Paid Sick Leave - up to two weeks (80 hours) of Paid Time-Off. This benefit is available to all PCAs no matter how long they have worked for an employer; and
2. Expanded Family and Medical Leave (EFMLA) - up to 12 weeks off. This benefit is available to PCAs who have worked for an employer for at least 30 days. The first two weeks of this expanded Family and Medical Leave are unpaid and the next 10 weeks are Paid Time-Off. However, these two benefits are designed so (1) and (2) can be taken TOGETHER to allow eligible PCAs to receive up to a maximum of 12 weeks of Paid Time off. Eligible PCAs will have access to these benefits from April 1, 2020 - December 31, 2020.

PCAs may be eligible to use both programs.

**Does My Paid Leave Affect My Consumer-Employer’s Budget?**

No. Paid Sick Leave and Expanded FMLA are paid for with additional federal funding and do not impact your Consumer-Employer’s budget in any way.

**How Do I Qualify for Paid Sick Leave and/or Extended FMLA and How Much Can I Receive?**

The Paid Sick Leave and Extended FMLA programs have different qualifying criteria. However, the reason for the leave must be related to COVID-19. Below is the specific eligibility criteria and benefit amounts for the Paid Leave programs.

1. *Paid Sick Leave Program*: The Paid Leave Program provides employees with up to two weeks of Paid Leave due to any one of six reasons, outlined below, related to the COVID-19 virus. The amount of leave an employee is entitled to is based on the number of hours the employee normally works in a week, up to maximum of 80 hours over a two week period. For workers with varying work schedules, an average number of hours worked over a six-month period is utilized to determine the number of paid hours the employee can receive. **This benefit is available to all employees no matter how long they have worked for a given employer.**

The reasons that qualify an employee to receive the two weeks of Paid Leave and the amount they are eligible to receive in pay are as follows:

1. An employee is subject to a Federal, State or local quarantine or isolation order relative to COVID-19 (100% of pay up to $511 per day);
2. An employee has been advised by a health care provider to self-quarantine related to COVID-19 (100% of pay up to $511 per day);
3. An employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis (100% of pay up to $511 per day);
4. An employee is caring for an individual subject to an order described in reason #1 or self-quarantine as described in reason #2 (2/3 of pay up to $200 per day);
5. An employee is caring for his or her child whose school or place of care is closed (or care provider is unavailable due to COVID-19 related reasons (2/3 of pay up to $200 per day); or
6. An employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services (2/3 of pay up to $200 per day).
7. *Extended FMLA Program*: The Extended FMLA program provides employees with up to 10 weeks of Paid Leave for the following reason if an employee has worked for a given employer for at least 30 days:
8. An employee is caring for his or her child whose school or place of care is closed (or care provider is unavailable due to COVID-19 related reasons (2/3 of pay up to $200 per day).

**Can I Use Both Programs?**

* Yes. If you qualify for both Paid Sick Leave and Extended FMLA you may use both programs.
* Through the combination of the two Paid Leave programs, a PCA can be eligible for up to 12 weeks of Paid Leave.

**When Can I Begin Receiving Benefits?**

Benefits are available from April 1, 2020 to December 31, 2020.

**How Do I Apply for Paid Leave?**

1. A PCA must first request and receive authorization for Paid Leave from the consumer-employer.
2. The PCA must contact the employer’s Fiscal Intermediary (FI) and inform them that they will be taking leave and provide the FI with the required information and documentation. A PCA may contact the FI by **phone** or **e-mail.**

Allied Community Resources: Phone (866) 275-1358 or E-mail covid19@alliedgroup.org

Sunset Shores: Phone 1-800-887-0647 enter 206 during message or E-mail covid19@sunsetshoresfi.com

**Instructions on contacting the FI Via E-mail** (Fastest way to get leave processed)

Submitting a request for benefits via e-mail is the quickest and easiest way to apply for leave and receive authorization. Below is how to notify the FI of the need for benefits via e-mail.

* E-mail the FI providing notice of need for leave and make sure to include all required information as outlined below and provide an e-signature by typing their full first and last name.
* Once the PCA’s e-mail has been received by the FI, the FI will complete an intake form using the provided information. If there is any missing information, the FI will contact the PCA via e-mail within one business day requesting the missing information. Once the PCA submits the missing information, the FI will issue an e-mail within one-two business days to confirm authorization and when payment can be expected.

Requesting Leave Via Telephone

* Call the FI and provide all required information for leave over the phone. The FI will ask the PCA a series of questions that will take approximately 10 minutes to complete.
* After the phone call, the FI will send the PCA a copy of the completed intake form and highlight any missing information that is still needed and ask the PCA to reply to the e-mail and provide an e-signature by typing their full first and last name. The FI will mail the intake form to PCAs who do not have e-mail and PCAs must sign and return the form via postal mail.
1. The FI will process the information that the PCA provides via e-mail or verbally over the phone. Leave requests taken over the phone or submitted via e-mail must include all required information to comply with IRS rules. The PCA is required to attest via e-mail signature or original signature that the information they provided to the FI is accurate.

**FAXED INTAKE FORMS WILL NOT BE ACCEPTED**

**Paid leave benefits cannot be paid to a PCA until the FI receives all required documentation and one of the following (a) original or copy of the signed form if the form is being mailed, or (b) e-signature if the form is being e-mailed.**

1. The following information is required to be provided to the FI for both the Paid Leave and Extended FMLA programs:
2. PCA’s name;
3. Date(s) for which leave is requested;
4. Qualifying reason for the leave (see the six reasons above for the two week Paid Leave programs and the one reason for the 10 week Paid Leave program);
5. Oral or written statement that the PCA is unable to work because of the qualified reason for leave.

The following additional documentation is required based on the qualifying reason for the leave:

* If a PCA’s qualifying reason is that they are subject to a Federal, State or local quarantine or isolation order they also need to provide the name of the government entity that issued such order.
* If a PCA’s qualifying reason is that they have been advised by a health care provider to self-quarantine they also need to provide the name of the health care provider who issued such advice.
* If a PCA’s qualifying reason is that they are caring for an individual subject to a quarantine or isolation order or who has been advised by a health care provider to self-quarantine they also need to provide either the name of the government entity that issued such order or the health care provider that issued such advice.
* If a PCA’s qualifying reason is that they are caring for their child whose school or place of care is closed they also need to provide: 1) the name of the child being cared for; 2) the name of the school, place of care or child care provider that has closed or become unavailable; and 3) a representation that no other suitable person will be caring for their child during the period for which the PCAs takes Paid Leave.

**NOTE: You must provide all required documentation to the FI before Paid Leave can be authorized. Once you submit all required information and original or e-signature you will receive an e-mail or phone call confirming authorization** **within one business day of receipt.**

**How and When Will I Know that My Paid Leave Has Been Authorized?**

The FI will process the intake form that the PCA submits via e-mail or completes verbally over the phone. If all the required information is provided over the phone, or through the e-mail request, then the FI will authorize the Paid Leave, pending verbal authorization of your employer and receipt of one of the following from the PCA (a) an original or copy of the signed form if the form is being mailed, or (b) an e-signature if the request is by e-mail, is received by the FI. The FI will contact your employer to obtain verbal authorization for your Paid Leave and the employer has 24 hours to respond to the FI or the Paid Leave is considered authorized. If there is a problem with your Paid Leave request you will hear from the FI within 2 business days. Information completed over the phone, or submitted via e-mail missing the PCA’s signature, will be mailed or e-mailed to the PCA for signature or e-signature to comply with IRS rules. This is because, while the FI can authorize the Paid Leave benefits over the phone or through an e-mail request, the Paid Leave benefits cannot be paid to a PCA until all information including an original signature or e-signature is received by the FI. **You must provide all required documentation to the FI before Paid Leave can be authorized and you must provide the FI with an original signature or e-signature before Paid Leave benefits can be paid. Assuming that your employer authorizes the leave, once your e-signature is received via e-mail or signed intake form is received via postal mail, you will receive an e-mail or phone call within one business day confirming receipt of your signed form.**

**Do I Need to Submit Timesheets to Receive Paid Leave?**

No. You do not need to submit timesheets to receive payment through the federal Paid Leave programs.

**I Experienced One of The Qualifying Reasons And Took Leave Prior To April 1, 2020, Do I Qualify For Paid Leave?**

No. Paid leave benefits are only available to employees who requested leave due to a qualifying event on or after April 1, 2020.

**I Work for Multiple Employers or Have Recently Switched Employers, How Does Paid Leave Work For Me?**

The Paid Sick Leave and Expanded FMLA programs are for one-time use only. This means that an employee, no matter how many employers they have or if they switch employers, is only entitled to a maximum of 80 hours Paid Sick Time (depending on the average number of hours worked across 6 months for PCAs with varying schedules) and a maximum of 12 weeks Expanded FMLA. The benefits are allocated to individual workers, not to individual employers.

Specifically, the U.S. Department of Labor Rule implementing the Act states:

*Any person is limited to a total of 80 hours Paid Sick Leave. An Employee who has taken all such leave and then changes Employers is not entitled to additional Paid Sick Leave from his or her new Employer. An Employee who has taken some, but fewer than 80 hours of Paid Sick Leave, and then changes Employers is entitled only to the remaining portion of such leave from his or her new Employer and only if his or her new Employer is covered by the Emergency Paid Sick Leave Act. Such an Employee’s Paid Sick Leave would expire upon reaching 80 hours of Paid Sick Leave total, regardless of the Employer providing it, or when the Employee reaches the number of hours of Paid Sick Leave to which he or she is entitled based on a part-time schedule with the new Employer.*

**Can I Use the Paid Leave Programs and Receive Unemployment Benefits?**

No. Federal law does not allow for employees to receive both Paid Leave under the Act and Unemployment benefits at the same time.

**Who Do I Contact If I Have Additional Questions?**

For more information, please visit the State’s dedicated Frequently Asked Questions (FAQ) document for Medicaid Consumers Self-Directing Their Own Services and their Nonagency-Based Home Care workers available on the PCA Workforce Council web site <https://portal.ct.gov/pcaworkforcecouncil/>. The FAQ document will be updated regularly as needed. If your specific question is not addressed in the FAQ please e-mail your question to PCACouncil@ct.gov and include “COVID-19 Question” in the subject line.