



STATE OF CONNECTICUT
Department of Social Services &
Department of Developmental Services



April 1, 2021

NOTICE TO EMPLOYERS REGARDING EXTENSION OF FEDERAL PAID LEAVE PROGRAMS FOR YOUR EMPLOYEES

On March 11, 2021 President Biden signed into law the American Rescue Plan Act (ARPA), 2021, that among other things, extends the COVID related Paid Sick Leave and Expanded Family and Medical Leave (EFMLA) programs that have been available to your employees since April 1, 2020 through the Families First Coronavirus Response Act and are set to expire on March 31, 2021. Under the ARPA, COVID related Paid Sick Leave and EMFLA will now be available through September 30, 2021. ARPA makes other changes to the leave programs effective April 1, 2021 – September 30, 2021 that you should be aware of as an employer. Please note that **your individual budget will not be used to pay for the benefits**. Your DSP (Direct Support Professional)/PCAs (Personal Care Attendants) may utilize this benefit at no cost to you. The benefit payments to DSPs / PCAs are in addition to the funds you have to pay for hours of support. As a consumer-employer it is your responsibility to ensure that your employees are aware of these Federal Paid Sick leave and Expanded Family and Medical Leave benefits and that they are informed of the process. Please share the enclosed Employee Notice with all staff and ensure that this information is displayed and/or accessible to all staff.

(1) What Are The Federal Leave Programs?

The federal government recently passed the ARPA that extends the two Paid Leave Programs originally created through the Families First Coronavirus Response Act (Act). The two programs are: (1) Paid Sick Leave directly related to COVID 19 - up to 10 days (80 hours) of Paid Time-Off. This benefit is available to all PCAs no matter how long they have worked for you; and (2) Expanded Family and Medical Leave (EFMLA) directly related to COVID-19 - up to 12 weeks off. Previously under the EFMLA benefit the first two weeks were unpaid time off and 10 weeks of paid time-off. However, the ARPA makes all 12 weeks of EMFLA paid-time off. Expanded FMLA is only available to PCAs who have worked for you for at least 30 days. Both of these benefits were available to PCAs beginning April 1, 2020 and were set to expire on March 31, 2021 and are now extended through September 30, 2021. PCAs may be eligible to use both programs for a combined 14 weeks paid time-off.

(2) Are My PCAs Eligible for Paid Leave Benefits?

Your DSPs/PCAs may be able to use both programs. The ARPA adds two new qualifying reasons for leave and expands the eligibility for Expanded FMLA benefits to mirror the eligibility criteria for Paid Sick Leave. Therefore, there are now **eight** ways that your PCA can qualify for the Paid Sick Leave and Expanded FMLA benefits. The law requires that the reason for taking the leave be directly related to COVID-19. See the attached detailed program bulletin for a complete review of eligibility criteria, which now includes qualifying reasons for COVID testing and vaccination.

(3) How Long Can My PCA Be Out on Leave?

Paid Sick Leave may be taken for up to eight different COVID-19 related reasons. A DSP/PCA may take up to 2 weeks Paid Sick Leave (10 days up to 80 hours) if they qualify.

The Expanded FMLA Program provides up to 12 weeks off for the same eight COVID-19 related reasons that qualify an individual for the Paid Sick Leave benefit.

If your DSP/PCA qualifies for and applies to take both the Paid Sick Leave and Expanded FMLA – Generally, if the DSP/PCA is taking leave due to one or more of the eight qualifying COVID-19 related reasons, they could be out on leave for up to 14 weeks, depending on how the time is used.

(4) My DSP/PCA Already Exhausted the Full 80 Hours of Paid Sick Leave and 12 Weeks of EFMLA Before April 1, 2021, Do They Qualify for Another Round of Benefits?

Yes. The ARPA resets the benefit and makes the full 14 weeks available to employees if taken April 1, 2021 – September 30, 2021. Each employee is still only entitled to a one-time allotment of up to 80 hours of Paid Sick Leave and 12 weeks of EMFLA from April 1, 2021 – September 30, 2021 if they meet the eligibility criteria.

(5) How Do My DSPs/PCAs Request Paid Leave?

The DSP/PCA must do the following to receive paid leave:

- (1) Verbally inform you the day they plan to begin taking leave that they will be out on leave and identify the reason for the leave.
- (2) Contact your FI and inform them that one of your DSPs/PCAs will be taking leave and provide the FI with the required information. DSPs/PCAs should Email or call the FI to learn what required information and documentation is needed to request paid leave.

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

Action You Need to Take: After the PCA tells you they are taking leave, the PCA should be directed to inform the FI. The FI will then contact you with more information. See below.

- (3) Ensure that proper proof of eligibility is submitted to the FI.

After Hearing from Your PCA, The Fiscal Intermediary Will Do the Following:

- (1) Contact you to verify authorization of leave. If the FI does not reach you in-person, a message will be left informing you that one of your employees has filed for Paid leave. The message will specify:
 - a. the name of the employee requesting the leave;
 - b. the type and duration of leave applied for; and
 - c. inform you that you do not need to take any action unless you want to deny the leave. Specifically, you will be instructed that you have 24 hours to call the FI and inform them if you desire to deny Paid Leave. There are new rules about leave approvals and denials detailed in question 6 below.
- (2) Review the documentation/reason for the requested leave provided by the PCA.
- (3) Pay the leave benefit(s) to the PCA upon review and approval of documentation.

(6) Does My DSP/PCA Have to Get Approval from Me to Take Paid Leave? If So, How Do I Do That?

Yes. Employers have the option of denying leave for their employees if they so choose. However, employers are encouraged to remember the point of the Paid Leave extension is to help stop the spread of COVID. If the DSP/PCA meets the eligibility criteria for the Paid Family Leave Programs, then serious consideration should be given to approving the benefits. Additionally, the ARPA requires that if you choose to approve or deny paid leave benefits for one employee who meets a qualifying reason, you must then do the same for all other employees who apply and qualify for paid leave. You may not deny benefits for one employee and approve them for another or vice versa. As a reminder, the money for the paid leave does not come from your individual budget. It is a benefit that is fully paid by the federal government.

Your Fiscal Intermediary will call you as soon as the DSP/PCA.

(6) How Do I Know If My DSP/PCA Meets the Eligibility Criteria for the Paid Leave Programs?

Your Fiscal Intermediary will handle this for you. Once the FI is notified of the DSP's/PCA's intention to take Paid Leave and your authorization is confirmed, the FI will work with the DSP/PCA to obtain the needed documentation/verification. If upon review, the FI does not believe the DSP/PCA meets the eligibility criteria, the FI will e-mail (or mail if no e-mail is available) a notice of denial to the DSP/PCA and also send a copy to you. The FI will also immediately contact you and explain why the DSP/PCA does not qualify so that you can call the DSP/PCA and discuss their return to work. You may request that the FI contact the DSP/PCA for you.

(7) If My DSP/PCA Takes Paid Leave Will That Affect My Individual Budget?

No. Paid Leave is a federal program that uses additional federal funding. It does not come out of your individual budget.

(8) Do I Need to Submit Timesheets for My DSP/PCA to Receive Paid Leave?

No. You and/or your DSP/PCA do not need to submit timesheets to receive payment through the federal Paid Leave programs.

(9) If My DSP/PCA Takes Paid Leave Can Another PCA Work More Than 40 Hours Per Week for Me?

Yes. During the COVID-19 outbreak DSPs/PCAs may be approved for more than 40 hours per week under certain circumstances. If you need a PCA to work overtime, for both DDS and DSS services please contact your Case Manager immediately. If you are uncertain about how to contact your DSS case manager or access agency, you should choose the number below that is closest to where you live:

Eastern CT: 1-860 885-2960 Northeast CT: 1-860 589-6226

Northwest CT: 1-800-870-1852 Western CT: 1-203 465-1000

Southwest CT: 1-203 333-9288 South Central CT: 1-203 752-3040

(10) My DSP/PCA Took Leave And Now I Do Not Have Care. What Do I Do?

You should have a back-up plan that you can access. If you find yourself without care, immediately contact your Case Manager.

*****SEE ATTACHED EMPLOYER BULLETIN FOR MORE INFORMATION*****

Federal Paid Leave Programs – Employer Bulletin

March 26, 2021

Purpose of This Employer Bulletin

The purpose of this Employer Bulletin is to provide additional detailed information on the two federal Paid Leave programs that may be available to your employees.

SUMMARY OF BENEFITS:

The federal Families First Coronavirus Response Act (Act) created two Paid Leave programs for employees who work for employers with less than 500 employees and some government entities. On March 11, 2021, President Biden signed into law the American Rescue Plan Act (ARPA), 2021, that among other things, extends the COVID related Paid Sick Leave and Expanded Family and Medical Leave (EFMLA) programs that have been available to your employees since April 1, 2020 through the Families First Coronavirus Response Act and were set to expire on March 31, 2021. The first program provides employees with up to two weeks of Paid Leave due to any one of eight reasons 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 per period.

This benefit is available to all employees no matter how long they have worked for you.

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 for Paid Sick Leave and \$200/day for Expanded FMLA);
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 for Paid Sick Leave and \$200/day for Expanded FMLA);
3. An employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for Expanded FMLA);
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 for Paid Sick Leave and Expanded FMLA);
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 for Paid Sick Leave and Expanded FMLA); 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 for Paid Sick Leave and Expanded FMLA).
7. **NEW!** An employee is obtaining an immunization related to COVID-19 or recovering from any injury, disability, illness or condition related to such immunization (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for Expanded FMLA); or
8. **NEW!** An employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19, when such employee has been exposed to COVID-19 or the employer has requested such test or diagnosis (100% of pay up to \$511 per day for Paid Sick Leave and \$200/day for Expanded FMLA).

The Expanded FMLA program is only available to PCAs who have worked for you for at least 30 days.

Through the combination of the two Paid Leave programs, a PCA can be eligible for up to 14 weeks of Paid Leave.

PROCESS FOR PCAS TO REQUEST PAID LEAVE AND DOCUMENTATION:

A DSP/PCA must first request the Paid Leave from you, the FI or download it from the PCA Workforce Council web page <https://portal.ct.gov/pcaworkforcecouncil/>. Second, the DSP/PCA must contact your FI and inform them that they will be taking leave and provide the FI with the required information and documentation - Allied Community Resources: Allied Community Resources: Phone (866) 275-1358 or E-mail covid19@alliedgroup.org or Sunset Shores: Sunset Shores: Phone 1-800-887-0647 enter 206 during message or E-mail covid19@sunsetshoresfi.com. The FI will instruct the PCA to provide them with the following documentation:

1. DSP/PCA's name;
2. Date(s) for which leave is requested;
3. Qualifying reason for the leave (see the eight reasons above for the two Paid Leave programs);
4. Oral or written statement that the DSP/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 DSP's/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 DSP's/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 DSP's/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 DSP's/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 DSP/PCA takes Paid Leave.
- We are awaiting guidance from the federal government on any documentation that may be required for employees taking leave due to the two new qualifying reasons created through the new federal law.

YOUR RIGHTS UNDER THE PAID LEAVE PROGRAMS:

Under the ARPA, employers have the right to not participate in the Paid Leave Programs. However, remember the purpose of the programs is to minimize the spread of the virus associated with COVID-19, and therefore, employers should act judiciously is opting not to grant the benefits to their employees.

INDIVIDUAL BUDGETS:

Please note that your individual budget will not be affected in anyway if your DSPs/PCAs utilize the federal Paid Leave benefits. **The amount paid for Paid Leave benefits will not reduce your individual budget.**