



Minnesota Department of **Human Services**

To: Personal Care Assistance (PCA) Choice Agencies and Fiscal Support Entities
From: Minnesota Department of Human Services
Subject: Guidance for Labor Agreement Compliance
Date: August 7, 2015

The purpose of this letter is to provide guidance for compliance with the labor agreement between the State of Minnesota and the Service Employees International Union Healthcare Minnesota (SEIU). Included with this letter is a revised spreadsheet for reporting data for workers providing Personal Care Assistance (PCA) Choice, Consumer Directed Community Supports (CDCS), or Consumer Support Grant (CSG) services. PCA Choice agencies and Fiscal Support Entities (FSE) will submit this spreadsheet with the required data directly to SEIU.

Updated Tracking Spreadsheet

To identify workers who are providing PCA Choice services, PCA Choice agencies must identify the people their agency serves through PCA Choice. Include on the spreadsheet any workers who provide services to people who have chosen PCA Choice in the data you provide to SEIU.

The spreadsheet you use to report data to SEIU now includes a column to record the worker's phone number. For the previous pay period, record the phone numbers for all workers who were paid for providing direct support services to a person using PCA Choice, CDCS or CSG.

If you have any questions or difficulties with submitting your spreadsheet to SEIU, please contact SEIU at the following:

SEIU Healthcare Minnesota
345 Randolph Avenue, Suite 100
Saint Paul, MN 55102
651-294-8188
SEIUhomecare@seiuhcmn.org
<http://www.seiuhealthcaremn.org/>

Voluntary Union Dues

SEIU will contact your agency with information about workers who have chosen to join the union and authorized payment of their dues through payroll deduction. SEIU will provide instructions related to dues deductions and remittance to SEIU. Union members voted in June to establish a 3% dues rate.

PCA Choice agencies and FSEs are required under the terms of the labor agreement and Minnesota Statutes, section 256B.0711, subdivision 4(h) to provide timely and accurate payroll deductions for voluntary union dues contributions by workers who have chosen to become members of the union.

The Minnesota Department of Labor and Industry confirmed that for payroll deductions for voluntary union dues, PCA Choice agencies and FSEs need only the information from SEIU about which workers have chosen to become union members. PCA Choice agencies or FSEs with questions about withholdings for union membership dues should contact Sara Ellstra, Minnesota Department of Labor and Industry, at 651-284-5379 or by email at sara.ellstra@state.mn.us.

Enrollment of CDCS and CSG direct support workers

DHS is extending the background study due date for existing CDCS workers to Sept. 30, 2015. DHS is also extending the provider enrollment due date for CDCS and CSG workers to Sept. 30, 2015. FSEs must submit the required paperwork to Minnesota Health Care Programs (MHCP) Provider Enrollment by Wednesday, Sept. 30, 2015, for all CDCS and CSG workers.

Effective July 1, 2015, new workers with CDCS must meet the requirements of chapter 245C by having a DHS background study completed with the FSE before receiving MA payment for direct contact services.

Worker Benefits

All workers who provide direct support services to a person using PCA Choice, CDCS or CSG started earning paid time off (PTO) on July 1, 2015. While workers must provide 600 hours of service before using accrued PTO, on July 1, 2015, they began accruing one hour of PTO for every 52 hours worked in covered programs.

All workers who provide direct support services to a person using PCA Choice, CDCS or CSG must receive, at a minimum, the benefits guaranteed in the labor agreement. In any case where a participant-employer or a fiscal intermediary, or both offer benefits that are greater than the standards set by the collective bargaining agreement, both DHS and the union encourage the participant-employer or fiscal intermediary to maintain those benefits. Please continue to send questions about paid time off or other parts of the labor agreement to either DHS at dhs.participantemployer@state.mn.us or to SEIU at SEIUhomecare@seiuhcmn.org or by calling 651-294-8188.

Participant Choice

The participant's decision to use the PCA Choice option should be reflected in the written agreement signed by the participant (or their representative) and a representative of the agency, as required by Minnesota Statutes, section 256B.0659, subdivisions 20 and 28, and the Home Care Bill of Rights, Minnesota Statutes, section 144A.44. A PCA Choice agreement must state that the participant or his or her representative has chosen to fulfill employer responsibilities, such as recruitment, hiring, firing, and scheduling of all personal care assistants.

We want to remind PCA Choice agencies and the PCA workers affiliated with each agency to respect the choices of participants regarding their services and supports. Any changes to the service model should be initiated by the participant. A person-centered approach requires that what is paramount is both what is important *to* and what is important *for* the person receiving services.

Direct participants who have questions about PCA service models to a PCA agency's qualified professional; to a PCA assessor at the county, tribe, or managed care organization; or to the Disability Linkage Line at 1-866-333-2466.

Participants who have complaints or concerns about any conversations they have had about changing service models should contact the DHS Disability Services Division (DSD) Response Center at any of the following so DHS is aware of their concerns:

DHS DSD Response Center
dsd.responsecenter@state.mn.us
651-431-4300
866-267-7655

We appreciate your help with complying with this law and the labor agreement and your participation in Minnesota Health Care Programs.

Thank you.