



Minnesota Department of **Human Services**

To: Personal Care Assistance (PCA) Choice Agencies and Fiscal Support Entities – Owner or Manager
From: Minnesota Department of Human Services
Subject: Frequently Asked Questions on Paid Time Off
Date: June 26, 2015

Dear Owner or Manager,

The purpose of this letter is to provide additional guidance about obligations PCA Choice agencies and Fiscal Support Entities have related to paid time off (PTO) in the labor agreement between the State of Minnesota and the Service Employees International Union Healthcare Minnesota (SEIU).

We have received several questions from Lead Agencies, PCA agencies and Fiscal Support Entities about paid time off. DHS has worked with SEIU to develop responses to these questions. DHS will post this information on the DHS public website. DHS will add a message to the Provider News with a link to the website when the information is available.

Background

PCA Choice agencies and Fiscal Support Entities, defined as fiscal intermediaries in the labor agreement, have several responsibilities to meet the requirements of paid time off provisions of the labor agreement. It includes the following provisions:

- Each fiscal intermediary must manage paid time off accruals.
- A worker earns one hour of paid time off for every 52 hours of PCA Choice, CDCS, or CSG services he or she provides.
- A worker must provide at least 600 hours of these services after July 1, 2015, to use the paid time off he or she has earned.
- To use paid time off, a worker must have the consent of the person(s) to whom he or she provide services.
- A worker may carry over up to 80 hours of paid time off from one State fiscal year to the next. The State fiscal year is from July 1 – June 30.
- A fiscal intermediary must pay up to 80 hours of accrued paid time off to a worker who is terminating all employment managed by that fiscal intermediary.

Frequently Asked Questions

- Q: How should fiscal intermediaries calculate paid time off?
A: Workers earn one hour of paid time off for every 52 hours they work. For each pay period, the fiscal intermediary should take the total number of hours worked providing services for a participant in PCA Choice, CDCS or CSG and divide that number by 52 to determine the total amount of PTO earned for that pay period. Paid time off should be rounded to the nearest hundredth.
- Q: Workers accrue one hour of paid time off for every 52 hours worked in covered programs. Can a worker use the paid time off they have accrued in hours worked with multiple agencies at the same time with one of the agencies? Or are workers restricted to taking only the time off they have accrued with a single agency with that same agency?

A: Workers can take the time off they have accrued through hours worked with an agency only with that agency. Workers with multiple agencies will have multiple, separate PTO accrual accounts.

- Q: How many hours does a worker have to work before they can start using their PTO? Can they use it as soon as they earn it?
A: Workers begin to earn PTO on July 1, 2015, but they must work a total of 600 hours in covered programs before they can begin to use their PTO. Hours worked before July 1, 2015, do not count toward those 600 hours.
- Q: Is the requirement that workers provide 600 hours of service before using accrued paid time off an annual requirement or a one-time requirement for each worker?
A: It is a one-time requirement for each worker.
- Q: What happens to PTO hours that a worker earns but doesn't use?
A: Workers may carry over up to 80 hours of unused paid time off from one State fiscal year (July 1 – June 30) to the next.
- Q: What happens to unused PTO if a worker stops working for all the participants served by one fiscal intermediary?
A: When a worker stops all work through a fiscal intermediary, the fiscal intermediary must pay the worker the unused PTO the worker has earned, up to 80 hours.
- Q: Can a fiscal intermediary pay for paid time off at a different wage rate than the wage rate they pay the worker for hours providing services?
A: The fiscal intermediary should pay the same wage rate they pay the worker for the hours they work for the participant from whom they are taking time off.
- Q: In CDCS and CSG, should the paid time off be billed against the participant's budget when it is used by the worker or as it is accrued for hours of service provided to the participant?
A: It should be billed against the participant's budget as it is accrued for hours of service provided to the participant. Similarly, PCA Choice agencies should set aside a portion of the PCA reimbursement rate for PTO as it is accrued.
- Q: Who approves time off requests?
A: A worker must obtain the consent of his or her participant in order to use PTO. It is considered to be best practice to obtain this consent in writing.
- Q: For workers who do not work set schedules or for the same participant on a consistent basis, which participant do they need to obtain permission from to use accrued time off?
A: Workers should obtain permission from each participant for whom they were scheduled to work during the period in which they want to take time off.
- Q: Who gives permission in instances of participant hospitalization?
A: If a worker has accrued time off to use and is not working because the participant is in the hospital and can't receive services, the worker can use the paid time off he or she has accrued.
- Q: Paid parents of minors in CDCS are limited to 40 hours of work per week. Do hours of PTO count towards the 40 hour limitation?
A: No. Time taken as PTO does not count against the 40 hour limitation.
- Q: Can the PTO be taken in PCA Choice without counting against the 275 hours per month limitation for PCA workers?
A: Yes. Hours of paid time off are not included in the calculation of PCA hours of service provided in a month.
- Q: How should paid time off be recorded?

A: Paid time off should be recorded on a separate document from the time sheet so that it is clearly separated from hours spent providing covered services.

- Q. Does PTO count as hours worked when calculating overtime pay?

A: No.

- Q. In what increments can a worker take PTO?

A: A worker can take PTO in increments of 15 minutes.

- Q. What if a worker works through more than one fiscal intermediary? How will we know when a worker has reached 600 hours?

A: SEIU will track the total number of hours worked between fiscal intermediaries and notify all fiscal intermediaries when the worker has reached 600 hours.

- Q: Some provider agencies offer paid time off and other benefits such as health insurance. How should provider agencies treat workers of participant-employers with regard to offering benefits offered to other workers with that agency?

A: All workers in the bargaining unit must receive 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.

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

Thank you.