



Minnesota Department of **Human Services**

To: Personal Care Assistance (PCA) Choice Agencies and Fiscal Support Entities
From: Minnesota Department of Human Services
Subject: Action Required for Labor Agreement Compliance and Continued MHCP Payment
Date: June 26, 2015

The purpose of this letter is to remind you about tracking and reporting obligations providers now have because of the approval of 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 with new tracking information, such as paid time off (PTO) accrual and use records, union membership information, and voluntary dues deductions for union members. PCA Choice agencies and Fiscal Support Entities (FSE) will submit this spreadsheet with the required data directly to SEIU.

Timelines

PCA Choice agencies and Fiscal Support Entities, defined as fiscal intermediaries in the labor agreement, must submit data about workers who have been paid for providing direct support services to people in PCA Choice, Consumer Directed Community Supports (CDCS), or Consumer Support Grant (CSG) during the previous pay period. The terms of the labor agreement require fiscal intermediaries to submit this list to SEIU for each pay period. Fiscal intermediaries must submit the list to SEIU within 14 calendar days of the end of each pay period. Fiscal intermediaries might have different payroll cycles and must submit the information based on their own established, consistent payroll schedule. Since the labor agreement is effective July 1, 2015, report data for work that occurs on or after July 1, 2015. Do not include data about hours worked prior to July 1, 2015.

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.

Paid Time Off

Workers earn one hour of paid time off for every 52 hours of PCA Choice, CDCS, or CSG services they provide beginning July 1, 2015. To complete the column for "PTO accrued in the previous pay period" (column N), divide the number of hours paid in each pay period (column K) by 52 and round to the nearest hundredth.

Workers must provide at least 600 hours of these services after July 1, 2015, before they can use the paid time off they have earned. Enter zero in the column for "PTO used in the previous pay period" (column O) until after a worker has provided at least 600 hours of services and chooses to use some of his or her accrued paid time off. SEIU will notify PCA Choice agencies and Fiscal Support Entities as individual workers reach 600 hours. Once they work 600 hours after July 1, 2015, workers can use PTO in increments of 15 minutes. Workers must obtain the consent of the participant for whom they provide services in order to use PTO.

For the "PTO account balance" (column P) for each worker, add the entries in column N (PTO accrued) for each pay period beginning July 1, 2015, and subtract the entries in column O (PTO used). For each pay period after July 1, 2015, until a worker reaches 600 hours of service and begins to use PTO, the PTO account balance should increase as workers accrue PTO when working for a participant in PCA Choice, CDCS or CSG.

Fiscal intermediaries are responsible for ensuring that funding is available to pay for PTO when the participant approves or when a worker cashes out his or her PTO after ending all work with a fiscal intermediary. In CDCS and CSG, bill PTO against the participant's budget as the worker accrues it by providing services to the participant. Similarly, PCA Choice agencies should set aside a portion of the PCA reimbursement rate for PTO as workers accrue it by providing services.

DHS has worked with SEIU to develop responses to frequently asked questions about paid time off. We will send these responses to PCA Choice agencies and Fiscal Support Entities in a separate letter and will post them to the DHS public website. DHS will add a message to the Provider News with a link to the website when the information is available.

Workers Represented by SEIU

For the previous pay period, include all workers who were paid for providing direct support services to a person using PCA Choice, CDCS or CSG.

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

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 256B.0659, subdivisions 20 and 28, and the Home Care Bill of Rights, Minnesota Statutes 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. All workers serving a person who chose PCA Choice benefit from the terms of the labor agreement and the hours they work for PCA Choice participants need to be tracked and reported. Hours worked for people who have not chosen PCA Choice do not need to be tracked and reported.

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

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Saint Paul, MN 55102
651-294-8188
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<http://www.seiuhealthcaremn.org/>

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

Thank you.