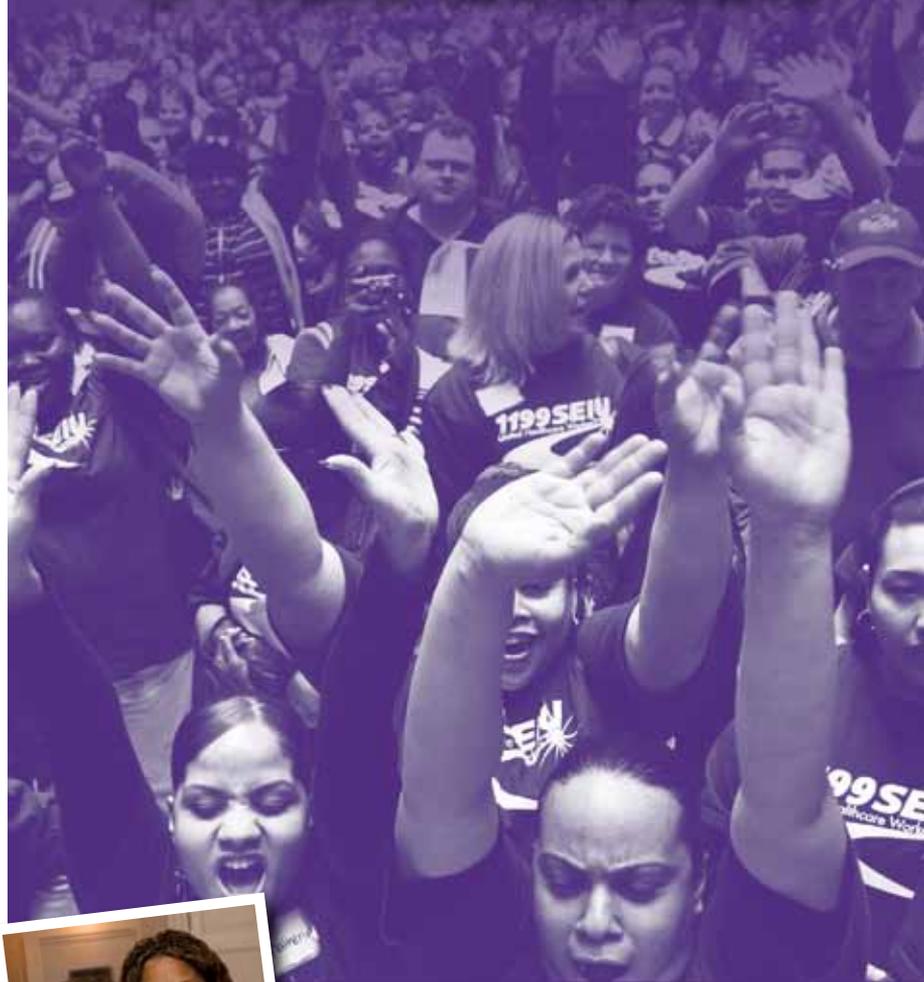


Because we care...

A handbook of tips and resources
for Personal Care Attendants



1199SEIU
United Healthcare Workers East

Compiled by the 2009-2010 Graduates of the
1199SEIU PCA Leaders in Training Program

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Dear union brothers and sisters:

We are proud to share with you the first 1199SEIU Personal Care Attendant (PCA) handbook. As PCAs, as leaders in our union, and as graduates of the 1199SEIU Leaders in Training Program, we set out to create a handbook covering many of the issues that are relevant to us in our work and as members of our union. PCAs are faced with challenges every day on the job and often it can be hard to find the right answers. We hope this handbook will answer some of those questions and give you a sense of what we – as PCAs – can do to improve our working conditions as we provide care and assistance for others.

As caregivers, we need to be cared for, so that we are better able provide care for our consumers, families, and ourselves. That is one of the main reasons we decided to form a union of PCAs and one of the main reasons we decided to write this handbook – because we know that by working together, we can help to improve all our lives.

This handbook is the culmination of months of work on the part of PCAs from all over Massachusetts – each of us adding our experience and knowledge to this project – in the hopes that we can provide a valuable resource to all PCAs.

This book answers many questions and offers many resources for situations you may be in. However, by its nature, it is incomplete. Times are always changing, so there will be future revisions. We hope it helps.

In solidarity,

The 2009-2010 Graduates of the 1199SEIU
PCA Leaders in Training Program

History of 1199SEIU

1199SEIU United Healthcare Workers East has a proud history and Massachusetts PCAs are proud to be part of the story.



Local 1199 of United Healthcare Workers East was founded in 1932 by Leon Davis to organize pharmacists in New York City. The union led pioneering pickets and strikes against racial segregation and racist hiring policies in New York City in the 1930s. Hospital workers first joined 1199 in 1958. And in the 1960s, 1199 continued its proud roots in the civil rights movement. In fact, Martin Luther King, Jr. famously described 1199 as “my favorite union.” In the years that followed, 1199 became a political force to be reckoned with in New York City and won strong contracts for its members.

More recently, healthcare workers in Massachusetts, all of New York State, New Jersey, Maryland, Washington DC, and Florida joined the ranks of 1199. Today, 1199SEIU United Healthcare Workers East has more than 400,000 members and is part of the Service Employees International Union.

As personal care attendants in Massachusetts, we have our own story to tell. For years, we had no voice at all in improving our wages and benefits and would go for years without any wage increases. We relied on the goodwill and advocacy of the disability rights movement and elected officials, but were not able to collectively advocate for ourselves. That is why in 2006 PCAs worked with the independent living centers in Massachusetts, the aging organizations and individual seniors and people with disabilities to pass a law that gave personal care attendants the ability to form a union. In 2007, we had our union election and PCAs voted overwhelmingly (94% YES) to join 1199SEIU.

As part of 1199SEIU, we have accomplished many things. For starters, in our first contract that covered from December 2008 until June 2011, we negotiated for and won pay raises for three consecutive years for the first time ever. We also won a paid time off benefit. And in June 2011, we won our first-ever training benefit. Personal care attendants have also played a huge role in Massachusetts and national politics. As union members, we helped elect President Obama and many of our State Representatives. We meet with elected officials regularly to ensure that they understand what we face as PCAs – and what we need in order to do our job well.

We hope you
will join us in
this effort...
**we improve the
lives of PCAs,
our families,
and people
with disabilities
of all ages.**

Timeline

December '04

Quality Homecare Bill filed.

November '05

Boston Globe endorses Quality Homecare Bill.

July '06

Quality Homecare Bill passes with unanimous bipartisan support.

November '07

PCAs sign membership cards and 94% of PCAs who vote in the union election support joining 1199SEIU.

February '08

PCAs elect a bargaining committee and bargaining begins.

April '08

PCAs and consumers deliver hundreds of letters to the Governor asking for a positive contract settlement.

November '08

PCAs overwhelmingly ratify a contract which includes three scheduled raises totaling a 15% increase in pay, plus paid time off and a commitment to review health insurance options for PCAs.

January '09

Raises go into effect.

February '09

PCAs continue to grow our collective voice and our union through monthly meetings and by building participation in the union's political action fund.

December '09

PCAs receive first ever paid time off payment and receive next one in December '10.

March '10

1199SEIU launches PCA member canvass program where PCAs come out for 5 week period to visit other PCAs at home to involve them in building a strong union.

March '11

PCAs launch "United for Homecare" campaign, hold community briefings across the state with consumer and community allies to raise profile of the PCA program and educate elected officials of need to save the program from any cuts.

June '11

PCAs ratify second contract which includes first-ever training money for PCAs and agree to return to the bargaining table in January '12.

Frequently Asked Questions



What does it mean that the PCA program is consumer directed?

The PCA consumer or their surrogate is the person who hires, directs, and trains PCAs.

How do I get paid?

PCAs are paid every two weeks and their paychecks come directly from one of three different organizations known as “fiscal intermediaries” (FIs) which are: Stavros, Cerebral Palsy of Massachusetts and Northeast ARC. PCAs can choose to receive a physical check which is mailed from their FI to their consumer employer or they can utilize direct deposit. Direct deposit is generally advisable because a payment is made directly into your bank account every two weeks and significantly reduces the chances of errors and late payment.

What is the role of the personal care management (PCM) agency?

The PCM agency is responsible for assisting consumers in accessing PCA services. They provide intake, assessment, and skills training, and are responsible for annual evaluations. PCMs do not have anything to do with PCA payment issues.

What is the role of the fiscal intermediaries (FIs)?

The FIs are responsible for payment of PCAs. They receive the timesheets, process payment, take out taxes and perform other payroll functions.

I am looking for additional PCA hours, what should I do?

You should go to www.mass.gov/findpca or call 1-866-211-9675 or go to www.craigslist.com.

My consumer employer’s hours got cut or modified, what can they do?

The consumer can appeal within 10 days of the decision and file an aid pending which means their hours will remain the same until the appeal decision is made. The consumer should call the PCM agency to do this. The instructions for an appeal are attached to the prior authorization.

If my consumer employer needs more hours because they just got out of the hospital or for some other reason, can I get paid for more hours during that time?

Frequently Asked Questions cont.

No, a consumer cannot start using additional PCA time without first being authorized by MassHealth. If your consumer employer needs more hours, they need to get a physician's letter detailing the additional need and contact the PCM to request an increase. If approved, the consumer can then fill those additional hours.

I did not get paid for the work I did. What should I do?

First, you should continue filing timesheets.

Your consumer employer should call the FI with you and figure out why you did not get paid. If the consumer will not make this call, you should do it yourself.

Second, the consumer and the PCA should call the personal care management agency. Again, if your consumer employer will not make this call, you should call yourself. Often PCAs don't get paid because there was a lapse in the prior authorization (authorization for PCA hours) meaning that a consumer did not get reassessed in time or MassHealth did not process the reassessment in time and so there could be a brief lapse in coverage. The PCM should be able to deal with this by filing for an extension/interim prior authorization. If this is done, the PCA should get paid within two weeks.

Third, if you are not able to resolve the issue with the FI or the PCM, you should report it to the Wage and Hour Division of the Attorney General's office at 617-727-3465. As a worker in Massachusetts, you are entitled to be paid for hours worked. If MassHealth is not authorizing the hours and you are continuing to work as directed by your consumer employer, they are responsible for your payment. Alternately, you can take the consumer to small claims court.

I got hurt on my PCA job, how do I file for workers compensation?

Call Atlantic Charter, the workers compensation insurance agent for PCAs. Atlantic Charter's telephone number is 617-488-6552. Once they receive the claim, Atlantic Charter will send the FI a wage verification form to fill out and send back to them.

I am being abused, sexually harassed, or asked to do things that are not appropriate, who should I call?

If you are at risk, you should not visit the consumer and also call the local police if need be. You also should call the consumer's PCM agency and report the issue and call the Massachusetts Commission against Discrimination at 617-994-6000.

My consumer employer is being abused by another PCA or someone else, who do I report this to?

If the consumer is at immediate risk call the local police department. You also should report this to the Disabled Persons Protection Commission at 1-800-426-9009, the Massachusetts Elder Abuse Hot Line at 1-800-922-2275, and the PCM agency.

My consumer employer and/or a PCA is involved in committing Medicaid fraud. Who should I report it to?

First, notify the PCM agency and the FI immediately. They will probably ask for something in writing describing what is happening. You can also call the Bureau of Special Investigations at 617-727-6771 or call the MassHealth Fraud hotline at 877-437-2830.

I got laid off/fired, am I eligible for unemployment insurance?

Yes, you can call the Department of Labor and file for unemployment at 617-626-6800. You can also file for unemployment if your consumer employer is in the hospital for more than 2 weeks.

I work more than 40 hours/week for the same consumer. Am I eligible for overtime?

MassHealth will only pay the overtime rate (time and a half) for hours worked over forty per week for the same consumer and if it is an emergency. The consumer must call the FI immediately, and if it is after business hours, leave a message. The FI will then apply for an authorization form from MassHealth within two business days after the request and document the request in writing to MassHealth within seven calendar days. If MassHealth denies the overtime, the consumer is responsible for paying the extra rate.

What happens if my consumer employer is in the hospital?

Frequently Asked Questions cont.



You cannot get paid for caring for your consumer when he or she is in the hospital. If the consumer is in the hospital for more than two weeks, you can apply for unemployment.

Can I get paid if I am serving on jury duty?

MassHealth will pay a limited amount of reimbursement for PCAs required to perform juror service. This is possible only if the PCA was in court during what would be the PCA's regularly scheduled work hours. MassHealth will only pay up to three days. There are specific procedures for this and the consumer should notify the FI to request reimbursement.

Can I get paid for gas when doing my PCA job?

MassHealth won't pay for commuting expenses but a consumer is responsible for paying for gas when a PCA is driving a consumer's vehicle for work purposes. If a PCA is driving a consumer in the PCA's vehicle, the consumer is not obligated to pay but it is reasonable for the PCA to expect this and ask for it.

Do I get paid time and half for holidays?

MassHealth pays overtime rate (time and a half) for Thanksgiving, Christmas, New Years Day and July 4 for daytime hours.

Can I get paid for working more than two hours between the hours of midnight and 6:00 a.m.?

MassHealth only pays for actual activity time that a PCA works based on the PCA evaluation. For work done between midnight and 6:00 a.m. MassHealth adds up the activities the PCA is scheduled for: if they add up to less than two hours, then two hours pay will be the maximum the PCA can get. It is assumed that the PCA is on call and will be sleeping nearby the consumer most of the night. If the PCA activity time is greater than 120 minutes or the consumer needs more than two hours assistance, the consumer should call the PCM to request an adjustment.

I don't currently have health insurance; am I eligible for free care?

If you don't have health insurance, you might be eligible for either free health insurance through MassHealth or a subsidized plan through CommCare. Call 1-877-MA-ENROLL or go to <https://www.mahealthconnector.org>.

Pay rates - With the formation of the PCA union and the first collective bargaining agreement, PCAs went from \$10.84 an hour to \$12.48 an hour in just three years – an unprecedented fifteen percent increase!

Union Wins

Paid Time Off

Starting in 2009 and continuing into 2010, all eligible PCAs received a first ever paid time off bonus to compensate PCAs for time taken during the year. Eligibility requirements included having worked at least 1500 total hours in the PCA program and averaging at least twenty-five work hours/week.

Training

In 2011, PCAs won \$1 million in training money to be used for PCA training throughout the state. These trainings will be offered throughout Massachusetts.

Delegates

The term “delegate” is used to refer to PCAs who have been elected by other PCAs to an official leadership position within the union and who represent the other PCAs in their area. Delegates are the leaders in our union; they speak with other PCAs in their areas about union happenings, about our fight for better wages and benefits, and about building community among PCAs and power for our union. So far, we have over one hundred PCA delegates throughout Massachusetts but we need you to step up. If you believe that PCAs will make more gains together than we will alone and you are interested in joining our struggle for better PCA jobs and good quality homecare, please contact the union at 1-877-409-7227. Delegate trainings are ongoing throughout the year and held at convenient locations throughout the state.

Contact Information

PCA Hotline

1-877-409-7227

Press 2 for Spanish

Press 3 for Portuguese



Fiscal Intermediaries (FIs)

- **Cerebral Palsy of Massachusetts**
43 Old Colony Avenue
Quincy, MA 02170
617-479-7577
- **Northeast ARC**
6 Southside Road
Danvers, MA 01923
978-762-9307
- **Stavros Center for Independent Living**
210 Old Farm Road
Amherst, MA 01002
413-256-6692

Personal Care Management (PCM) Agencies
(These can change; please contact MassHealth Customer Services at 1-800-841-2900 for the most up to date list)

Each of the Personal Care Management agencies listed below are affiliated with one of the three Fiscal Intermediaries listed above. The colored dot next to the name of each PCM indicates the FI with which it is affiliated.

- **AdLib, Inc.**
215 North Street
Pittsfield, MA 01201
413-442-7047
- **BayPath Elder Services**
33 Boston Post Road West
Marlborough, MA 01752
508-573-7200
- **Boston Center for Independent Living**
60 Temple Place, 5th Floor
Boston, MA 02111
617-338-6665
- **Bristol Elder Services**
182 North Main Street
Fall River, MA 02720
508-675-2101
- **Center for Living and Working**
484 Main Street, Ste 345
Worcester, MA 01608
508-755-1746
- **Coastline Elderly Services, Inc.**
1646 Purchase Street
New Bedford, MA 02740
508-999-6400
- **Elder Services of Berkshire County**
66 Wendell Ave
Pittsfield, MA 01201
413-236-1718
- **Elder Services of Merrimack Valley, Inc.**
360 Merrimack Street
Lawrence, MA 01843
978-683-7747
- **Ethos**
555 Amory Street
Boston, MA 02130
617-522-6700
- **Family Services Association of Greater Fall River, Inc.**
101 Rock Street
Fall River, MA 02720
508-677-3822

• **Franklin County Home Care Corporation**

330 Montague Cty. Road
Turners Falls, MA 01376
413-773-5555

• **Greater Lynn Senior Services**

8 Silisbee Street
Lynn, MA 01901
781-599-0110

• **Greater Springfield Senior Services, Inc.**

66 Industry Avenue
Springfield, MA 01104
413-781-8800

• **Independence Associates, Inc.**

141 Main Street, 1st Floor
Brockton, MA 02301
508-583-2166

• **Minuteman Senior Services**

24 Third Avenue
Burlington, MA 01803
781-272-7177

• **Montachusett Home Care Corporation**

680 Mechanic Street
Leominster, MA 01453
978-537-7411

• **Northeast Independent Living Center**

20 Ballard Road
Lawrence, MA 01843
978-687-4288

• **Northeast ARC**

6 Southside Road
Danvers, MA 01923
978-624-2365

• **Old Colony Elderly Services, Inc.**

144 Main Street
Brockton, MA 02303
508-584-1561

• **Options**

30 Taunton Green #8
Taunton, MA 02780
508-880-7577

• **P.R.I.D.E., Inc.**

3 Maple Street
Taunton, MA 02780
508-823-7134

• **Somerville-Cambridge Elder Services**

61 Medford Street
Somerville, MA 02143
617-628-2601

• **Springwell, Inc.**

125 Walnut Street
Watertown, MA 02472
647-926-4100

• **Stavros Center for Independent Living**

210 Old Farm Road
Amherst, MA 01002
413-256-0473

• **The ARC of the South Shore**

371 River Street
N. Weymouth, MA 02191
781-413-2222

• **T.I.L.L., Inc.**

20 Eastbrook Road
Dedham, MA 02026
781-302-4883

• **Tri-Valley Elder Services, Inc.**

10 Mill Street
Dudley, MA 01571
508-949-6640

• **United Cerebral Palsy of Metro Boston**

71 Arsenal Street
Watertown, MA 02472
617-926-5480

• **WestMass ElderCare, Inc.**

4 Valley Mill Road
Holyoke, MA 01040
413-538-9020

Other Important Organizations

Attorney General Office Wage and Hour Division

- Assists with wage and hour complaints
617-727-3465
www.ago.state.ma.us

Division of Unemployment Insurance

- Call if you want to file for unemployment insurance
877-626-6800
617-626-6560
www.mass.gov/dua

Mass. Commission Against Discrimination

- Enforces anti-discrimination laws. Call if you are being discriminated against or sexually harassed at work.
617-994-6000
413-739-2145
www.mass.gov/mcad

Rewarding Work Directory of PCAs

- Register if you are looking for additional PCA hours
866-211-9675
www.mass.gov/findpca

Disabled Persons Protection Commission - Call if you want to report abuse of a consumer
617-727-6465
www.mass.gov/dppc

Elder Abuse Hotline - Investigates reports of physical, sexual, or emotional abuse, neglect and financial exploitation of persons aged 60 or over. Call if your elderly consumer is being abused.
800-922-2275

Bureau of Special Investigations

Investigates reports of suspected fraud
617-727-6771

MassHealth Fraud Hotline

Investigates reports of suspected fraud
877-437-2830

Elected officials

To find out who your local elected officials are, go to www.wheredoivotema.com and enter your address. This will provide an up-to-date listing of all elected officials representing your area. It is important that we stay in communication with our elected officials to ensure they understand the value of PCA workers and services.

1199SEIU
United Healthcare Workers East

**1199SEIU United
Healthcare Workers East**

**150 Mt. Vernon St., 3rd Floor,
Dorchester, MA 02125**
Phone: 617-284-1199
Fax: 617-474-7150

**20 Maple Street
Springfield, MA 01103**
Phone: 413-739-0612
Fax: 413-737-0810

**29 Bassett Lane
Hyannis, MA 02601**
Phone: 508-771-1416
Fax: 508-790-5938

Toll free: 877-409-PCAS (7227)
www.1199SEIU.org/mass

