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General Questions/Definitions

**What is a Collective Bargaining Agreement (CBA)?**

Collective bargaining is a process where workers, after voting to join together in a labor union, negotiate an agreement with their employer over the terms and conditions of their employment. Home care workers who are represented by SEIU Healthcare MN have negotiated with the State of Minnesota over the parts of their work that the State controls — specifically pay, benefits and training opportunities. The collective bargaining agreement that was reached between the State of MN and the workers represented by SEIU Healthcare MN was ratified by the members of the union, approved and funded by the legislature, and signed by the Governor. A CBA is also sometimes referred to as a “contract” or a “labor agreement.” It is a legal document binding both parties (in this case, the state of MN and SEIU Healthcare MN). You can find the current CBA here.

**Which workers are represented by SEIU Healthcare MN and covered by the new CBA? What is an Individual Provider?**

The workers represented by the union and covered by the CBA are those in the Bargaining Unit as defined in state law. In the CBA these workers are referred to as Independent Providers (IPs), because that is the term in state law defining all workers in the Bargaining Unit.
Workers Who ARE in the bargaining unit: PCAs and support workers providing State-funded personal assistance services where the participant is the employer, through the following programs:

- PCA Choice
- Consumer Directed Community Supports (CDCS)
- Consumer Support Grant (CSG)
- Community First Services and Supports (CFSS) Budget Model (in development)

Workers Who Are NOT in the bargaining unit: PCAs and support workers who provide State-funded, agency-employed personal assistance services through Traditional PCA or any other agency-controlled program, and PCAs and support workers who provide services that are not funded through the state’s Medical Assistance (MA) program.

What if a PCA participant chose some of their workers and other workers were recruited by the PCA Choice agency?

Workers who are included in the bargaining unit are defined by the program used by the participant they serve. If a participant has chosen PCA Choice, for example, all of the workers who work for that participant are in the bargaining unit.

What does it mean to be represented by the union and covered by the CBA?

The home care workers in the collective bargaining unit voted in August 2014 to authorize SEIU Healthcare Minnesota as their exclusive bargaining representative. This means that the union, which is led by its members, represents these workers in negotiations with the State of Minnesota. All workers in the bargaining unit are entitled to representation and to the benefits negotiated by the union.

What is a Fiscal Intermediary?

The Fiscal Intermediary (FI) is the Financial Management Service provider (FMS) or PCA Choice Provider Agency that provides support to participants and participants’ representatives with regard to employing Individual Providers. FIs include PCA Choice Provider Agencies and Financial Management Service Providers who serve CDCS and CSG participants.

Will each Fiscal Intermediary be required to sign an agreement with the union?
No. The Collective Bargaining Agreement is between the State of Minnesota and the workers represented by SEIU Healthcare Minnesota.

What happens if home care workers go on strike?

Home care workers are not allowed to go on strike. The law specifically prohibits strikes for this group of workers.

Union Neutrality

Can I share my thoughts about the union with home care workers? – or – Can I encourage workers to sign up for the union (or not join the union)?

No. PCA Choice Agencies and FMS Providers are required to remain neutral on the question of whether or not workers should join the union. That is something for the workers themselves to decide, without interference by the state or their Agency or FMS. If a home care worker wants more information about joining the union, they can simply be directed to SEIU Healthcare MN at www.seiuhealthcaremn.org, or 855-282-3769.

Orientation

A communication we received from DHS said that we needed to distribute SEIU membership applications and orientation materials to new workers. When will we get those materials?

SEIU Healthcare Minnesota will make membership applications and orientation materials available to all PCA Choice Agencies and FMS Providers on an ongoing basis. They can be downloaded directly from our web site at:

Paid Time Off (PTO)

How should we calculate Paid Time Off?

IPs earn one hour of PTO for every 40 hours they work. So, for each pay period the FI should take the total number of hours an IP worked for a participant in PCA Choice, CDCS or CSG and divide that number by 40 to determine the total amount of PTO earned for that pay period.
How many hours does an IP have to work before they can start using their PTO? Can they use it as soon as they earn it?

IPs started earning PTO on July 1, 2015, when our first union contract went into effect. They must have worked a total of 600 hours or 6 months, whichever comes first, in covered programs before they can start using their accrued PTO. Hours worked before July 1, 2015 do not count toward those 600 hours.

I heard there is now an option to waive PTO in CDCS and CSG. How does that work?

Note: this option does not apply to IPs working in the PCA Choice program.

For IPs in budget-model programs (CDCS, CSG, or CFSS), as of July 1, 2019 there is now an annual option for workers to waive their right to accrue PTO. FMS Providers must receive a written request from the IP and the agreement of the client (or their responsible party) before pausing PTO accruals for that IP. Once processed, the client being served will be able to decide how to use the waived PTO funds. Each IP in CDCS and CSG will be given the option to either waive or accrue PTO at each renewal of the client’s service year.

Who approves time-off requests?

The CBA states that IPs “must obtain the express consent of their participant/client in order to use PTO.” This means that workers cannot take their PTO without the permission of the participant they work for.

What happens to PTO hours IPs accumulate but don’t use?

Workers can carry over up to 80 hours of unused PTO from one year to the next.

What happens to unused PTO if an IP stops working for participants served by our FI?

When a worker stops all work through a PCA Choice Agency or FMS, that Agency or FMS must cash out the unused PTO the worker has earned, up to 80 hours.
Wages and Payroll

What are the minimum hourly wage rates?

As of July 1, 2019, workers must be paid at least $13.25 per hour.

How are PCA Choice agencies supposed to pay more from the same rate?

The workers represented by the Union win reimbursement rate increases for all PCA services in order to fund their contract increases.

Reimbursement rates increased by 2.37% on July 1, 2019 to fund wage and PTO increases as part of our 3rd contract.

Reimbursement rates increased by 1.642% on August 1, 2017 to fund a wage increase, PTO increase and holiday pay as part of our second contract.

How can CDCDS or CSG participants afford to pay workers more and give PTO?

A budget increase will accompany all increases to the wage floor and benefits, and any remaining funds can be used for other services and supports. The goal of our Union’s contract efforts is to create better wages and benefits in Home Care, but never at the expense of participant self-direction or care.

Budgets in CDCS and CSG increased by 2.37% on July 1, 2019 to cover the cost of wage and PTO increases. If contract minimums are met, any remaining funds can be used for other services and supports chosen by the participant.

Budgets in CDCS and CSG increased by 1.642% on August 1, 2017 to cover the cost of increased wages, increased PTO and holiday pay. If contract minimums are met, any remaining funds can be used for other services and supports chosen by the participant.

Do PCA Choice Agencies and FSEs need to change their pay period schedule in order to comply with the CBA?

No. PCA Choice Agencies and FMS Providers may continue to follow their own consistent, established payroll schedule.
Who sets wages in the PCA Choice program?

Wages are set by the participant employer. Wages must be set at or above the minimum wage set in the CBA.

What are the requirements for payment of overtime hours?

Policies regarding number of overtime hours worked by IPs are set by Choice Agencies and FMS Providers. However, any hours worked beyond 40 in a 7-day week must be paid the overtime rate of 1.5x the worker’s regular hourly wage. The regular hourly wage must not be less than $13.25.

Data Tracking

What information will we be required to provide to SEIU Healthcare Minnesota?

PCA Choice Agencies and FMS Providers must provide information to the Union in order for the State to meet its obligations under the Collective Bargaining Agreement (CBA). A full list of current requirements can be found in Article 15** of the active CBA: http://www.seiuhealthcaremn.org/files/2019/06/190531_Home-Care-3rd-Contract-Booklet.pdf

Among other requirements, Article 13**, Section 2 of the CBA states: “The State shall require the Fiscal Intermediaries who provide PCA Choice, CSG, CFSS, and CDCS services [PCA Choice Agencies and FMS Providers] to provide to the Union on a pay period basis, in a sortable electronic format, the following information on Individual Providers [home care workers in PCA Choice, CFSS, CDCS and CSG]:

1. full name, with separate fields for first and last names;
2. full home address, with separate fields for address, city, state, and zip code;
3. telephone number
4. Unique Individual Provider ID number;
5. hours paid in the previous pay period;
6. hourly wage rate (or rates, if providing services to multiple recipients);
7. gross pay in the previous pay period;
8. Fiscal Intermediary name and mailing address;
9. PTO account balance;
10. amount of dues deducted in previous pay period; and
11. any other Individual Provider information in accordance with state law.”

** NOTE: Article 15, item B of the CBA mistakenly directs FIs to Article 14, Section 2.
**Will we be asked to send the Union private information about clients/participants?**

No. Information about program participants is protected by law.

**What if a worker turns in several pay periods worth of time sheets all at once? How should I record that on the spreadsheet?**

All hours that are paid during a pay period should be reported, even if they are for work performed in a previous pay period (for instance, because the worker turned in their time-sheet late). If this is the case, it is very helpful for the Fiscal Intermediary to include a note on the spreadsheet to clarify that hours entered on the sheet were worked over multiple pay periods. This will avoid the illusion of unpaid overtime for the worker.

**What if a worker works for more than one participant through our PCA Choice Agency or FSE and each participant pays a different wage?**

You should fill out separate rows for each different wage rate the worker earned during the pay period.

**We have a PCA who works for one participant on PCA Choice and another participant on Traditional PCA. How do we track that PCA’s hours?**

Only hours worked for participants on PCA Choice, CFSS, CDCS and CSG should be tracked on the spreadsheet.

**Union Membership**

*Are all workers represented by the union and covered by the CBA automatically members of the union?*

No. All workers who are in the bargaining unit represented by SEIU Healthcare MN decide for themselves whether to become members of the union.

*How do workers become members of the union?*
To become a union member a worker signs a membership card or otherwise formally communicates (e.g. by signing an online membership form) their desire to become a member of SEIU Healthcare MN.

**What if an IP doesn’t want to be in the union?**

Each IP can choose whether or not to become a member of the union.

**Voluntary Dues**

**How much are union dues?**

Dues rates are set by, and can be changed by, a vote of the union’s members. Union members have voted to set a Home Care dues rate of 3% of gross wages.

**How will we know which workers have joined the union and agreed to pay dues?**

PCA Choice Agencies and FMS Providers will receive a list of union members who have authorized dues deduction from SEIU Healthcare MN, as stated in Article 13 Section 2 of the CBA.

**What is the process for collecting and submitting dues?**

PCA Choice Agencies and FMS Providers will simply deduct 3% of the gross wage from each union member’s pay, and remit the total amount of dues for the pay period to SEIU Healthcare MN by check or transfer.

**A worker told me they don’t want to pay dues any more. Can I stop collecting dues?**

If a home care worker wants to cancel their union membership they must contact SEIU Healthcare MN directly to withdraw their membership. Dues must be collected from all members included on the list received from the Union, unless the Union informs the PCA Choice Agency or FMS Provider of a change.

**Participant Rights**
Can a participant choose to only hire workers who join the union? OR: What if a participant doesn’t want their workers to be members of the union; can they choose to only hire workers who aren’t members of the union?

Workers have the right to choose whether or not they become members of their union. Participants in PCA Choice, CFSS, CDCS and CSG have the right to choose who they hire.

Will participants get in trouble if they need to terminate or cut the hours of their home care worker? Will workers be able to file a grievance against participants if they are unhappy?

No. Both the law and the union contract say that no agreement between the state and the workers in the union shall interfere with the rights of participants or participants’ representatives to select, hire, direct, supervise and terminate the employment of their home care workers. Participant employers are still required to follow general employment laws, but the CBA changes nothing about those requirements.

CDCS/CSG

How can participants pay workers more and give PTO if their budget stays the same?

The workers represented by the Union win budget rate increases in order to fund their contract increases. A budget increase will accompany all increases to the wage floor and benefits, and any remaining funds can be used for other services and supports. The goal of our Union’s contract efforts is to create better wages and benefits in Home Care, but never at the expense of participant self-direction or care.

Budgets in CDCS and CSG increased by 2.37% on July 1, 2019 to cover the cost of wage and PTO increases. If contract minimums are met, any remaining funds can be used for other services and supports chosen by the participant.

Budgets in CDCS and CSG increased by 1.642% on August 1, 2017 to cover the cost of increased wages, increased PTO and holiday pay. If contract minimums are met, any remaining funds can be used for other services and supports chosen by the participant.

How does this CBA change a CDCS or CSG participant’s ability to set wages for my support workers?

Participants still have the right to set wages as long as they are set at or above the wage floor. A budget increase will accompany any increases to the wage floor and benefits, and any remaining funds can be used for other services and supports. The goal of our Union’s contract efforts is to
create better wages and benefits in Home Care, but never at the expense of participant self-direction or care.