COVID 19: Are You Caring for a Loved One at Home?

New Paid Leave, Unemployment Benefits, and Waiver Payments Available to Families Taking Care of Loved Ones with Disabilities at Home.

Many individuals may lose home care providers during the current pandemic or may need to limit the number of individuals coming in and out of their homes due to vulnerabilities to COVID 19. In March, new federal laws passed providing for increased paid leave and unemployment benefits that can help keep families afloat while caring for their family members with on-going home nursing or personal care needs. Additionally, the PA Dept. of Human Services made changes to some of its rules relating to payment to families who are caring for HCBS waiver participants at home. Below is a brief summary of the information currently available (as of 5/1/2020) regarding these benefits, but individuals should check with the relevant agencies for updates and clarifications.

**Expanded Paid Leave Requirements**

If your employer has work for you, but you cannot work as a direct or indirect result of COVID 19, you may be covered by the Families First Coronavirus Response Act (FFCRA or Act). This Act requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks paid sick leave for certain COVID-19 related reasons, at full or 2/3 pay depending on the reason, up to a maximum of $511 per day. (Some employers with less than 50 persons are excluded.) Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave.

Among other reasons, you may be able to take the two-week partial paid sick leave if:

- You are unable to work because you are caring for an individual who is self-quarantining based on advice of a health-care professional.

or

- You are caring for your son or daughter whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons;

The 10-week expanded family and medical leave provisions apply when, after two weeks of paid leave (whether through these sick leave provisions or other employer based leave such as paid vacation), you are “unable to work (or telework) due to a need for leave to care for [your] son or daughter under 18 years of age” whose school or place of care has been closed, or whose child care provider is unavailable, due to COVID 19.

According to the US Department of Labor, despite the age limit mentioned in the extended leave provision of the statute, a son or daughter for the purposes of both the two week sick leave and the 10 week extended leave includes “an adult son or daughter who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.” It also includes a foster child, step-child, or other “in loco parentis” relationship. See Questions #40 and #66 of FFCRA ‘Question and Answers,’ link found below. Payment is at 2/3 salary up to $200 per day.

For documentation requirements, more details, and answers to other questions, please refer to: [https://www.dol.gov/agencies/whd/pandemic/ffcra-questions](https://www.dol.gov/agencies/whd/pandemic/ffcra-questions) (from the U.S. Department of Labor site titled “Families First Coronavirus Response Act, Questions and Answers”)

For additional information, or if you believe your employer is improperly refusing you paid sick leave, you may call the U.S. Department of Labor’s toll-free information and help line available 8 am–5 pm in your time zone, 1-866-4US-WAGE (1-866-487-9243, TTY: 1-877-889-5627) or visit [www.dol.gov/agencies/whd](http://www.dol.gov/agencies/whd).
Expanded Unemployment Compensation

Under the new Coronavirus Aid, Relief, and Economic Security (CARES) Act, unemployment benefits for people who lose part or all of their work income for reasons related to COVID-19 have been increased substantially in:

1) amount – including an additional $600 per week until July 31, 2020,

2) length of benefit – including an additional 13 weeks of benefits, and

3) types of employees covered - including self-employed, gig workers, and those with limited work histories.

Among other reasons, you may be eligible for unemployment compensation under the CARES act if:

(1) a child or other person in the household for which the you have primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID-19 public health emergency and such school or facility care is required for you to work;

(2) you are unable to reach your place of employment because you have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(3) you have to quit your job as a direct result of COVID-19; or

(4) you meet any additional criteria established by the Secretary for unemployment assistance under this section.

This unemployment compensation is not available to anyone who "has the ability to telework with pay" or who is receiving paid sick leave or other paid leave.


Where and when to apply: Go to: www.uc.pa.gov for application instructions, updates and other information.
Expanded Waiver Payments to Families

Pennsylvania’s Department of Human Services requested and received permission from the Centers for Medicare and Medicaid Services (CMS) to make certain emergency changes to their Home and Community Based Waiver programs including some related to payment of family members to care for their loved ones at home.

Office of Developmental Programs waivers:

- Adult Autism Waiver – If needed due to COVID 19, a family member can deliver services for up to 60 hours in a seven-day period. This is an increase from 40 hours. A family member who is a qualified nurse may also provide shift nursing (a new service for the Autism waiver.) (Appendix K: Emergency Preparedness and Response Operational Guide for the Adult Autism Waiver, at pps. 22 and 26, https://www.disabilityrightspa.org/wp-content/uploads/2020/03/DSHC-%E2%80%93-6.pdf)

- ID/ASD Waivers – If COVID 19 related (e.g., staff become unavailable or for social distancing), relatives and legal guardians can provide any amount of needed In-Home and Community Support and/or Companion services through traditional providers or through one of the participant-directed services models. (Appendix K: Emergency Preparedness and Response Operational Guide for the Intellectual Disability/Autism (ID/A) Waivers, at p. 16, https://www.disabilityrightspa.org/wp-content/uploads/2020/03/DSHC-%E2%80%93-7.pdf)

Office of Long-Term Living waivers:

- Spouses, legal guardians and powers of attorney may temporarily be paid through PPL to provide Participant-Directed Personal Assistance Services and Participant Directed Community Supports when scheduled workers are not available due to COVID-19. (OLTL Communication: Temporary Changes to the Community HealthChoices 1915(c) Waiver, at p. 2, https://www.disabilityrightspa.org/wp-content/uploads/2020/03/DSHC-%E2%80%93-9.pdf)

Please call the DRP intake line at (800) 692-7443 if you wish to discuss your individual situation.
Stay Connected

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at 800-692-7443 (voice) or 877-375-7139 (TDD). Our email address is: intake@disabilityrightspa.org. DRP’s live intake line is open Monday-Friday from 9:00 a.m. to 3:00 p.m.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

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