



MEMORANDUM

TO: NOW & COMP Waiver Programs Participant Direction Service Delivery
FROM: Amy Riedesel, Director of Community Services
DATE: May 29, 2020
RE: Participant-directed Family Caregiver Hire/Retroactive Pay Authorized Under Appendix K

The intent of the below correspondence is for the Georgia Department of Behavioral Health and Developmental Disabilities (DBHDD) to provide clarity on family caregiver hire and retroactive payments during the period that Appendix K is authorized.

Retroactive Pay for Family Caregiver Hire for Individuals who Participant-Direct Services

U.S. Citizenship and Immigration Services (USCIS) rules state that Form I-9 cannot be backdated. What this means is that an employee cannot begin work before the signature date on the I-9 or the employer is considered in violation of federal USCIS rules.

In compliance with federal regulation “E-Verify” requirements, 8 C.F.R. §274a.2(b)(1)(ii), an employer/representative will only be able to begin paying any newly hired staff, whether regular new staff or a paid family caregiver, within 3 business days of the date of hire.

While the Appendix K is retroactive back to March 1, 2020, newly hired staff cannot back bill payroll for services rendered prior to the official hire date. Timesheets for work completed by family caregiver staff are required to match the date of hire.

Staff who were hired before March 1, 2020, including family caregiver staff who were approved through the normal DBHDD and DCH process, are eligible for Personal Assistance Retainer (PAR), also known as retainer payments, back to the Appendix K authorization date if they were employed by the Participant-Directed employer on March 1, 2020. As a reminder, a retainer can only be billed if the staff could not work due to COVID-19 and the staff was not collecting unemployment benefits.

For more information regarding USCIS rules and Form I-9, please contact your Fiscal Intermediary agency.