**Section 686.10 Personal Assistant (PA) Requirements**

In order to be employed by a customer as a PA (89 Ill. Adm. Code 676.30), an individual must:

a) have a Social Security number and provide the Department of Human Services (DHS) with documented verification of this number;

b) be a minor between 14 and 16 years of age who is not employed during school hours, has an employment certificate and meets all other requirements of the Child Labor Law [820 ILCS 205] and has an adult who is at least 21 years of age and who is legally responsible for the customer who will supervise the PA; be 16 years of age or older, enrolled in school and not employed during school hours; or be 17 years of age or older and not enrolled in school;

c) have provided to the customer at least two written or verbal recommendations from present or former employers, the recommendation of a Center for Independent Living (CIL), or, if never employed, references from at least two non-relatives;

d) be able to communicate with the customer to the satisfaction of the customer and counselor;

e) be able to follow directions to the satisfaction of the customer and counselor;

f) have previous experience and/or training that is adequate and consistent with the specific tasks required for safe and adequate care of the customer;

g) if the customer has a contagious infectious disease, have a physician, health care institution (i.e., hospital, nursing home, home health agency), or CIL certify, in writing, that he/she has the knowledge of precautionary procedures for the control of contagious infectious diseases, if it is anticipated that he/she will come into contact with bodily fluids, or be evaluated by a Registered Nurse licensed pursuant to the Nurse Practice Act [225 ILCS 65] to determine that he/she has knowledge of those procedures;

h) complete an EMPLOYMENT AGREEMENT between the customer and PA that certifies the PA:

1) shall provide services to the individual in accordance with his/her SERVICE PLAN (IL 499-1049) (89 Ill. Adm. Code 676.30(u));

2) shall submit a bi-monthly calendar listing actual hours worked each pay period (1-15; 16-last working day of the month), as verified by the customer and in accordance with the number of hours authorized by DHS. The PA shall not claim more hours than approved by DHS unless prior approval has been granted by the counselor to address a temporary increased service need;

3) shall make available to DHS and other designated agencies those records described in subsection (h)(2);

4) shall maintain all customer information as confidential and not for release, either in writing or verbally, to anyone other than those designated by DHS in writing;

5) shall not subcontract to any other person, any of the services he/she has agreed to provide;

6) shall provide services only while the individual is in his/her home or during the period covered by Section 684.60 (Provision of Services);

7) shall agree that the customer is responsible for locating, choosing, employing, supervising, training, and disciplining as necessary the PA. Further, that the State of Illinois does not provide paid vacation, holiday, or sick leave; however, such absences shall be reported to the DHS counselor per the HOME SERVICES TIME SHEET (IL 488-2251) only for the purposes of processing payment;

8) understands that DHS reports all payments made to a PA to the Illinois Department of Employment Security (DES) and that the PA may apply for unemployment benefits, but DES, not DHS, makes the determination as to whether the PA shall receive benefits;

9) understands that he/she may apply for Workers' Compensation benefits through DHS and that some customers may carry such insurance coverage; however, DHS maintains that the customer, not DHS, is the employer for these purposes; and

10) understands that DHS will withhold Social Security tax (FICA) from payments made to him/her. Federal and State income tax shall be withheld if the PA completes and returns to DHS two separate W-4 forms;

i) complete an I-9 Immigration form, which must be retained by the customer;

j) for PAs starting on or after April 13, 1992, complete a PA STANDARDS (IL 488-2112) to be returned to DHS;

k) as of April 13, 1992, at the time of redetermination of eligibility of the customer by which he/she is employed, have completed by the customer, a PERSONAL ASSISTANT EVALUATION (IL 488-2089); and

l) if requested by the customer, give permission and the necessary information for the customer to request a conviction background check from the Illinois State Police. This permission will require the prospective PA to sign the appropriate form provided by the customer.

(Source: Amended at 38 Ill. Reg. 11519, effective May 15, 2014)