

# HIRING AND MANAGING PERSONAL ASSISTANTS

# Hiring and Managing Personal Assistants

Ellen Sugrue Hyman, Esq.  
Author

This manual was developed by The Arc Michigan to promote self-determination through meaningful consumer direction and control. This project was supported through a contract with the Michigan Department of Community Health using funds awarded under a Real Choice Systems Change grant from the Centers for Medicare and Medicaid Services, US DHHS Grant No. 18-P-92116/5.

This manual is provided for information only and does not constitute legal, medical, planning or tax advice. For individualized help with your situation, consult with your allies, supports coordinator, or professional providers.



# Contents

<b>Introduction</b> .....	1
<b>Step 1: Determine the Support You Need</b> .....	3
<b>Back-Up Plan</b> .....	4
<b>Job Description</b> .....	5
<b>Step 2: Look For and Find Workers</b> .....	6
<b>Step 3: Meet &amp; Interview Applicants</b> .....	7
<b>Telephone Screen</b> .....	7
<b>Setting Up the Face-to-Face Interview</b> .....	8
Preparing For the Face-to-Face Interview .....	8
The Face-to-Face Interview.....	9
<b>Step 4: Hire Your Workers</b> .....	10
<b>Reference Checks</b> .....	10
Background Checks .....	10
Choosing Among Applicants.....	11
Make the Job Offer.....	11
<b>Step 5: Understand Your Role as Employer</b> .....	11
<b>Personnel Files</b> .....	12
<b>The Role of the Fiscal Intermediary</b> .....	12
<b>Employer Responsibilities</b> .....	13
Employer vs. Independent Contractor .....	13
Verification of Employment Eligibility .....	13
State and Federal Income Tax .....	13
Social Security & Medicare Taxes.....	13
Unemployment Tax .....	13
Liability Insurance .....	13
Worker's Compensation Insurance.....	14
Labor Laws .....	14
Employment Agreements .....	14
<b>Using a Provider Agency</b> .....	15
<b>Agency With Choice</b> .....	16
<b>Step 6: Train and Manage Your Worker</b> .....	16
<b>Train Your Worker</b> .....	17
Trust Issues.....	17
Handling Money .....	17
<b>Precautions You Can Take to Protect Your Assets and Yourself</b> .....	18
Communication .....	18
<b>Performance Reviews</b> .....	19
Firing a Worker.....	19
<b>Sample Documents</b>	
<b>Sample Job Description/Advertisements</b> .....	20
<b>Job Description Worksheet</b> .....	21
<b>Sample Interview Questions</b> .....	22
<b>Sample Application for Employment</b> .....	23
<b>Reference and Background Check Release Form</b> .....	24
<b>Prototype Employment Agreement</b> .....	25, 26
<b>Glossary of Terms</b> .....	27
<b>Resources to Help You</b> .....	28

# Hiring and Managing Personal Assistants

## Introduction

This book is a guide on how to hire and manage personal assistants (also called “workers” in this book). You may want to ask your supports coordinator or a friend to go through this guide with you and help you with hiring and managing workers. This guide is detailed and contains lots of information, but you do not have to understand everything in it to be a good employer. Remember that you have a supports coordinator and allies to help you.

Employing workers can help you achieve and maintain your independence. A worker may help you with daily living tasks. These tasks vary from person to person. They may include helping you access community services and supports or employment, assisting you with household tasks such as laundry or grocery shopping, or providing personal care or money management.

When you directly employ workers, you choose whom to hire and how they will do their job. You can choose people you like—people who follow your directions and help you in the way you want to be helped. You and your assistants will be a team to ensure that you can do the things that you want and need to do.

Being an employer comes with responsibilities. You will handle the hiring, training, and supervision of your workers. With the support of a fiscal intermediary, you will pay your workers and deal with legal and tax requirements. You may also deal with potential provider agencies, ask tough questions, do some research, and make choices about which support options are right for you.

*You can do it!*

You do not have to do it alone. Ask for help from people whom you have chosen to participate in your person-centered planning process or other friends, family members, staff at agencies, members of your church, mosque or temple or community organizations in which you participate. Think about people whose opinion you trust and who will respect your feelings and preferences throughout the process of hiring and managing workers. Pick the best person or persons and ask them to help you with the process. Think about them as your **allies** to help you choose and employ your workers.

Hiring and managing your own worker may be a new role for you. It may seem challenging, but with the right support, you can handle all of the steps and tasks involved. Everyone needs help with some things. When you need help or don't understand something, contact your allies or your supports coordinator from the Prepaid Inpatient Health Plan/Community Mental Health Service Program (PIHP/CMHSP). That is the Michigan term for agencies that provide services to people with developmental disabilities or mental illness. In this book, it is called a *service agency*. The term *supports coordinator* is used for both a supports coordinator and a *case manager*.

Your allies and supports coordinator will provide assistance and support along the way. You also will have a fiscal intermediary to handle many of the employer functions for you, such as tax and legal requirements.

This process may seem overwhelming at first, so this book divides it into small steps. This book will take you step by step through the process of hiring and managing your worker(s). It will answer many of your concerns. The book includes:

- checklists
- suggested job descriptions
- sample want ads
- other examples and worksheets
- a list of words or terms that are used in the book (the glossary)
- a list of other resources (people, agencies and other books)

While reading this book, you may come across words or terms that are new to you. This book includes a list of these terms with easy-to-understand definitions. Look at this list on page 27 if you do not know what a term means. You can also ask your supports coordinator for help.

You can copy and change the sample documents to meet your own individual needs. With your chosen allies and other supports, you can use this book as a guide to hire and manage your workers.

The process of hiring and managing a worker has several steps:

Step 1: Determine What Supports You Need

Step 2: Look For and Find Workers

Step 3: Meet and Interview Applicants

Step 4: Hire Your Workers

Step 5: Understand Your Role as Employer

Step 6: Train and Manage Your Worker

### Keeping Organized

There are lots of papers involved in hiring and managing your own workers and these papers are described in detail in this book. They include:

- job descriptions
- advertisements (or ads)
- applications
- release forms
- tax forms
- employment agreements

Sample documents are included in the booklet. Create a file for your individual plan of service and individual budget. Create another file for your job description(s) and advertisements. Keep a separate file for each applicant (this word is used to describe people who want to work for you). If you hire a person, you can add the employment paperwork to his or her file to create a personnel file. Keep all of the applicant files even after you hire someone in case you want to reconsider a person or use him or her for back-up support.

One key to successfully managing and hiring workers is to keep all of your papers organized. Some people use file folders to organize their files; others use 3-ring binders. You can also use paper grocery bags or folders (some dollar stores sell 10 or more folders for a dollar). You can create a system that works best for you; your ally or allies can help you with that process.

## Step 1: Determine the Support You Need

You determine the services and supports you need through the person-centered planning process, which honors your preferences, choices and abilities and focuses on your need to participate in the community. You invite your allies and other family members, friends and professionals whom you want to involve in the process. Use your supports coordinator as much or as little as you need. You can request an independent facilitator to assist you with your plan. You may know a facilitator that you want to use. If you need help finding a facilitator, ask your supports coordinator for help.

During the person-centered planning process, you and your allies work together to support you in deciding how you want to live your life and identify the services and supports that will help you accomplish your life goals. This process results in an **Individual Plan of Service (IPOS or plan)** that includes your services and supports. Your services and supports may include personal care, assistive technology, modifications to your home, employment assistance, community living supports, or peer support.

If you are participating in arrangements that support self-determination through the Choice Voucher System, you will also have an **individual budget** that defines the amount of funding you have to pay for your services and supports.

Your wants and needs will dictate how many people you hire and what hours they will work. The more support you need, the more people you may need to hire. Consider what kind of and how much support you need:

- Can one person do all of the tasks or will you need two or three workers?
- Do you need assistance with community participation and peer support?
- Do you need help with personal care (bathing, dressing, eating)?
- Do you need help a few hours a day, throughout the day or overnight?

If you need assistance only a few hours a week or can do without help once in a while, one worker may be enough.

If you need assistance throughout the day or need help with tasks like getting out of bed or getting dressed, you may want to hire more than one worker. The more support you need the more people you will need to hire. If you need a lot of support, perhaps you can hire one person to work during the day and another at night. Or you can hire two people, with each one working every other day or every other weekend. If you have more than one worker, if one is sick, the other may be able to fill in.

Consider several combinations of work schedules until you have one that gives you the help you need when you need it, and gives your workers enough flexibility. One person cannot work from morning to evening and cannot work seven days a week. You may also want to consider creative arrangements. For example, some people offer room and board to a worker in exchange for being available to help at night. Everyone benefits from time away from work and the law restricts the number of hours people can work.<sup>1</sup>

---

<sup>1</sup> Step 5: Understand Your Role as Employer describes the labor laws that apply to employment of workers.

Workers who will be employed with funds in your individual budget must meet the Medicaid provider requirements. Ask your supports coordinator for a list of these requirements. The requirements include that your workers must be age 18 or older and United States Citizens or legally authorized to work in the United States.

### **Back-Up Plan**

You need to have a back-up plan for those times when your worker will need to miss work. For example, he or she may want to take a vacation; go to a wedding, graduation, or family reunion; or take a day or two off around the holidays. In those cases, you will have some time to plan and find a person to fill in while your worker is gone. At other times, your worker may be absent due to an emergency, illness or bad weather. At those times, you will not be able to plan ahead.

You can handle both types of situations by having a back-up plan that will have a series of options for support when your worker is unavailable. If you need support to get out of bed or get ready for work, your plan needs to be more detailed than if you need help with tasks that can be delayed for a couple of days, like helping you apply for benefits, cleaning your house or doing laundry. You and your allies must develop a back up plan that meets your needs.

A simple plan is to have a list of back-up workers who you can fill in when your regular worker is absent. Back-up workers can include: former workers, people you interviewed but did not hire, family members, friends or people from your church, mosque, temple or another community organization. When a worker is absent, you call the first person on the list. If that person is not available, call the next person and so on until you find someone who can fill in for your worker. That back-up worker then may go to the bottom of the list for the next time you need back-up. If you cannot make the calls, you can use an ally or a worker whose shift is ending to make the calls. You should be on the lookout for potential back-up workers. Another plan is to hire more than one worker so that if one is absent another can fill in. A third option is to share emergency or back-up workers with others who need the same type of support. Many people contract with a provider agency to provide back-up support. For more information, see the section on provider agencies.

As you start to think about hiring workers, think about the people who have provided you support in the past and what you liked and did not like about them. Also think about what things are important to you.

- Which ones did you like? Write down their names or ask an ally to write them down for you.
- What did they have in common?
- Do you prefer workers who are quiet and speak softly? Or do you like people who are outgoing or funny?
- Do you want workers who share your taste in music, movies or television? Or do shared interests not matter to you?
- Are you willing to hire a worker who is only available for a few months (such as a college student) or do you want some who will be able to work for you for a longer period?
- If you have animals, you need to include that in the description, so you will not waste time screening people who are allergic or afraid of your pets.
- Are you allergic to smoke? If so, you will want to put that in your ad so smokers don't apply.
- Will your worker need to drive you places? If so, a good driving record is very important. If not, a good driving record may not matter.

Consider both the type of support you need and the type of person you want to hire. What qualities are important to you? These qualities may vary depending on whether you are looking for a live-in aide or someone who will work a few hours at a time. If you need someone to help you get benefits from Social Security or the state Department of Human Services, that person will have different skills than a person you hire to clean your house. In the same way, if you need personal care, one worker may provide skilled care, such as nursing care, and another may provide simpler help like feeding you or providing assistance that you need throughout the day.

Think about how you feel about smoking, playing loud music and similar things. If there is anything that you can't live with (for example, if you are allergic to smoke, or if loud music bothers you), you need to state that in your job description.

When thinking about the type of worker you want, think about how you feel about employing your family and friends to provide your support. Under Medicaid regulations, you cannot hire your guardian, spouse or minor child to provide your care, but you can hire other relatives. There are benefits to hiring your family and friends; you know them and how trustworthy or dependable they are. They may be especially dedicated to providing you with support. On the negative side, a family member or friend may take working for you less seriously than a stranger, making it difficult for you to direct him or her in the job duties. The bottom line is that you have to think about what works best for you. Some people prefer using family members and friends; others prefer workers who are strangers when they are hired.

As you consider your needs and wants, think about how much you can pay for the various services that you need. If you have an individual budget, do you have flexibility to pay different workers according to their skills and duties? If you are not sure, ask one of your allies or your supports coordinator. It is good to start thinking about pay rates when you are developing your plan and individual budget so that you can build in a range of hours and pay rates for your workers. If you do not have an individual budget, ask your supports coordinator how you can set or change the pay rate for your workers.

Once you have a thought about these needs and preferences, you are ready to write a job description for each worker whom you will directly employ.

### **Job description**

A job description is a description of the type of support you need. It must include details such as the tasks, hours, and rate of pay. Be specific so that people interested in the job will have clear idea about the job duties.

Some of the information that you put in the job description is also in your plan; the plan describes the type of services and supports you need and want and a certain dollar amount or number of hours have been put in the plan to provide them. Ask your supports coordinator or your other allies to help you determine pay rate based on funding.

The job description can be short or long, but should include job duties, and hours and rate of pay. There may be other provider qualifications; ask your supports coordinator what these qualifications may be. Sample job descriptions are included on page 20.

A job description worksheet is included on page 21. Ask your supports coordinator or your

allies to help you write a job description. The more you reveal about the day-to-day tasks involved in the job in the job description, the more likely the applicants for the job will meet your needs. Ask one or more of your allies to help you write the description or give them a draft to review after you have put it together.

The next step is to create a job application. You can use the application included on page 23 or change it to meet your needs. Your job application should have a place for the applicant to check if he or she has experience in the various duties covered in your job description and space to list job history.

## Step 2: Look For and Find Workers

There are many ways to look for and find workers. The best way is word of mouth; tell your friends, family and other people that you are looking for workers. People who employ workers can often recommend workers they use or have used in the past. Tell people you know at community organizations such as churches, mosques, temples or disability organizations (such as local Arc chapters or Centers for Independent Living (CILs), clubhouses, or self-advocacy networks). In many areas, the hair salon is the best place to share information and network with people who live in the community. In a few areas, there are personal assistance co-ops where people with support needs come together to find and hire workers.

Another way to find workers is by posting or placing ads. Ads can take many different forms. A flyer is a full page that you put up for free on a bulletin board in a public place such as a grocery store or a local restaurant. An ad that you place in a newspaper must be very short and may cost money. Look at other ads for ideas (sample ads are included on page 20). Think about what you like about these ads.

A successful ad:

- Is **clear** about the support you need.
- Uses **short, simple** wording so the reader can quickly understand what you are looking for.
- Is **specific** about your expectations. Include hours, tasks, and a phone number at which you can be reached (for your safety, do not include your address).
- Has a **positive** tone and **interests** the reader.
- Includes your personal preferences such as a non-smoker, or factors that may be important to you.

There are many places that you can place an ad to find potential workers. These places include:

- Local Newspapers, including local/neighborhood publications;
- Newsletters of community churches, mosques, or temples, local organizations or support groups;
- Job service offices, employment, and temporary agencies;  
Bulletin boards at grocery stores, apartment buildings, churches, libraries, local recreational facilities, Laundromats, clinics;
- The student employment office or nursing and social work programs at area vocational schools, community colleges and universities;
- Michigan Works! Offices ([www.michworks.org](http://www.michworks.org)) allow you to both post a job listing and look at resumes posted by persons seeking jobs.

The following places may also be good sources for workers:

- Registries at agencies like your local Center for Independent Living or Area Agency on Aging or other non-profit organizations.
- Your local phone book listings for private home care agencies and nursing agencies.
- The Michigan Quality Community Care Council registry ([www.mqccc.org](http://www.mqccc.org)).

Think about the best places to post your ad. Many people have found that placing ads in small, neighborhood newspapers, sometimes called “shoppers,” reaches the most people who want to do this type of work; other people find that ads in citywide newspapers have a better response. If you are unsure, ask your allies for help. Your allies can help you post your ads on bulletin boards or call the newspaper about placing an ad.

Once you start advertising, potential applicants will call you if they are interested. When they call, you need to be ready for the next step—meeting and interviewing them to determine whether they meet your needs.

### **Step 3: Meet and Interview Applicants**

The purpose of the interview is for you to get to know the person who has applied for the job (called the “applicant”) and to learn whether he or she will be a good match for you. There are two steps in the interview process. The first step is the telephone screen and the second step is the face-to-face interview.

#### **Telephone screen**

A telephone screen is the initial step in choosing a worker. It is a short telephone conversation (10-20 minutes) to determine if the applicant meets your needs and whether you should have a face-to-face interview with this individual.

Your ally can take a large or small role in this screening process, depending on your needs. If you want or need one of your allies to participate, find out the specific times that your ally is available before you place an ad. Therefore, when an applicant calls to express interest, you can set up a time for the telephone screen that works for you, the applicant and your ally. If you don't want or need an ally to be involved, and both you and the applicant have time when the applicant first calls, you can do the telephone screen then.

Start the telephone screen by telling the applicant about yourself (your hobbies, interests, etc.). Next, describe the job duties, hours, and pay range/rate. Be specific about job duties. Ask the applicant if he or she is able and interested in doing these tasks. Ask if the rate of pay and hours are acceptable. Explain the general area in which you live and ask if the person would have any problem getting there.

During the telephone screen, think about whether you want to interview the person face-to-face. You don't have to interview every one you screen by telephone. It may help to take notes so that you can compare applicants. Using the telephone screen wisely can save you lots of time and ensure that the applicants you interview in person meet your basic qualifications and are interested in the job.

As you do the telephone screens, start a file for each applicant. Include his or her phone number and other contact information. Put any notes you have from the telephone screen in the applicant's file.

At the end of each telephone screen, thank the applicant for his or her time. Give all of the applicants a general date or time frame in which you expect to hire someone (for example, two weeks or by the beginning of next month) and tell them that you will call to set up face-to-face interviews with a few applicants after you have completed all of the telephone screens. You may want to ask applicants to come down to a selected community organization to fill out an application. If they follow through and fill out the application, they are more likely to be interested in the job.

Once you have finished all your telephone screens, review your notes and start thinking about which of the applicants you want to interview in person. When making this decision, consider the ability of each person to carry out the job duties, and listen to your gut feeling about him or her. Answering the following questions may be helpful:

- Was the applicant nice on the phone?
- Did he or she ask good questions?
- Do you have common interests?
- Was the person respectful?
- Can he or she do the job duties?

### **Setting up the Face-to-Face Interviews**

Once you have decided which applicants you would like to meet face-to-face, call each one to schedule the face-to-face interview. Ask each applicant to bring the following information to the interview:

- a list of past jobs or a resume (if he or she has one),
- a list of two or three references,
- a driver's license or other identification and
- relevant training certificates or licenses.

If the applicant has experience supporting people with disabilities, ask for him or her to provide a past employer as a reference. Explain that you will require each applicant to complete an application form and a release form that gives you permission to conduct background and reference checks (see sample release form on page 24). You can also have them go to a community organization that you choose to complete these forms before the interview.

Because you don't know the applicants, you may not want to interview them at your house. You can choose a coffee shop, public library, or community organization. You may want to ask one of your allies to join you for the interview; a second opinion can be helpful. This person can also take notes for you to help you remember what applicants have said. Let all of the applicants know that you may bring another person to the interview.

Having an ally at the interview may also show you if your potential worker will treat you with dignity and respect. One good sign is if the person directs his or her attention to you and not the ally. A bad sign is if the applicant treats the two of you differently, showing your ally more attention and respect.

### **Preparing For the Face-to-Face Interview**

Before your first face-to-face interview, you must develop a list of questions for the applicants. Sample questions are included on page 22. This list of questions includes general and specific questions as well as sensitive questions that have been carefully worded to comply with the law.

Laws prohibit employers from asking some specific questions of job applicants. The purpose of these laws is to prevent employers from refusing to hire a job applicant because of non-job-related factors such as religion, race, color, national origin, age, sex, height, weight, marital status, or disability. You cannot use any of these factors in choosing a worker unless they relate directly to the job. For example, you can choose a female applicant over a male applicant because you are female and you will need help bathing or using the toilet.

Aside from these kinds of issues, you cannot use these factors as the basis for not hiring an applicant. That does not mean that you have to choose a worker because he or she has one of these factors. You can make your decision on another factor, such as that the person is allergic to your pets or that you don't think he or she is a good match for you.

When choosing questions, select some questions to determine whether the person has the ability and experience to perform the duties that you need and select other questions to determine whether you and the applicant would get along.

### The Face-to-Face Interview

Make sure you are prepared for each face-to-face interview. Be ready with your list of questions to ask applicants. Bring the job description, a blank application, and a background/reference check release form (sample forms are included on page 20). You may create your own forms or may use forms that your Supports Coordinator has.

When the applicant arrives, be friendly and make small talk to help him or her feel at ease. Ask the applicant to fill out the application and reference/background check release form. If the forms have already been filled out, give the applicant the job description to review while you look over the completed forms. If both you and the applicant have e-mail, consider e-mailing the job description and forms to him or her in advance to save time at the interview.

After reading their application, discuss the job description, hours, pay range/rate of pay and other benefits and your hopes regarding the position. Describe how important it is to show up as scheduled and on time. Explain that being involved in criminal activities or arriving at work drunk or under the influence of drugs are reasons for losing the job.

At the interview, you can both share information about the job and learn about the applicant. Encourage the applicant to ask questions and ask lots of questions yourself. Choose open-ended questions rather than yes or no questions. Use some of the sample questions or write your own questions.

The way a person answers a question is just as important as what he or she says. An interested person will ask questions, and be interested in all aspects of the job, not just the pay and hours they must work. Some positive signs to look for are that the applicant:

- answers the questions completely;
- maintains good eye contact;
- listens carefully to what you say.

Some applicants may be nervous about the interview, which can give you a false impression of them. Make sure you consider their answers as well as your feelings about them.

At the end of each face-to-face interview, thank the applicant and let him or her know that you

will be making a decision soon and will contact all of the applicants with your decision. After you have chosen the most promising applicant(s), you are ready to conduct reference and background checks.

## **Step 4: Hire Your Workers**

### **Reference Checks**

References are persons, agencies or organizations that know the applicant either personally or professionally and can confirm his or her positive qualities. Asking an applicant for references is not enough. You must also contact the references to check the information that the applicant gave you. It is better to get references who are unrelated to the applicant. Checking references is a critical step that will provide you with important information about the applicant. When you call references, ask them to confirm the information that the applicant has given you on matters such as the tasks performed, length of employment, reasons for termination and salary. Speaking directly with former employers is better than accepting letters of recommendation. If an applicant gives you a letter of recommendation, ask for the person's phone number, so you can contact him or her directly.

If the reference confirms the information that the applicant gives you, you know that the applicant was honest with you. If the reference is an employer, be aware that most companies will only verify dates of employment, job title and tasks.

There are several questions that you can ask the applicant's references:

- How long have you known the applicant?
- What is the applicant's position with your company? What are his or her job responsibilities?
- What were your impressions of the quality of the work?
- Was the applicant reliable? Dependable? Courteous? Trustworthy?
- Were there any problems?
- Why is the applicant no longer working for you? Would you rehire this person?

### **Background Checks**

In addition to checking a person's references, it is important to do a background check to learn if the person has been convicted of any crime. Getting a background check is a simple process. For \$10, any private citizen can perform a background check on another persons by contacting the Criminal Justice Information Center (CJIC) at (517) 322-1956 or by e-mail at **CJIC\_applhelp@michigan.gov**. Non-profit organizations, like Arc chapters or Centers for Independent Living, can obtain background checks for free. Check with your supports coordinator to determine how he or she can help you get a background check on each applicant that you are hiring. Your fiscal intermediary may also be able to help.

If your worker will be driving you as part of his or her duties, you should also check his or her driving record. You can obtain a driving record from the Secretary of State's Office (517-322-1624). You must provide all names used by the person (including maiden name), social security number, driver's license number and date of birth. There is a \$7 fee for the driving record. The driving record will show the person's last five years of driving history, including any tickets for speeding or driving under the influence (DUI). Consider whether the applicant's license has ever been revoked or suspended and whether there are an unusually large number of accidents.

### Choosing Among Applicants

Once you've finished all the face-to-face interviews and conducted background and reference checks, go through the same process you used to narrow the field after the telephone interviews. Ask yourself the following questions about each applicant:

- Can the applicant perform the tasks I need done?
- Is the applicant available when I need assistance?
- Does the applicant have a good work history?
- Was I satisfied with the applicant's answers? Why? Why not?
- How was his or her attitude? Positive? Eager? Willing to learn?
- Did I feel comfortable with him or her? Will we get along well?
- Is the applicant trustworthy?

Because of Medicaid provider requirements that apply to your worker, wait to make a job offer until the background check has been completed.

Experience and training are important, but your best applicant may be a person with a positive attitude and the ability to perform and learn the job tasks even though he or she may have limited experience.

After reviewing all your information and considering the above questions, the best applicant may be clear to you. If you need support right away, you may have to select someone who may not be a perfect match while you continue your search. But never settle for someone about whom you have serious questions or concerns, especially if you think your health or welfare could be at risk.

### Make the Job Offer

Once you have identified whom you want to hire, call them to offer them the job. Review the job duties, wages and other benefits, how often they will be paid, their schedule, and when you would like them to start. Be clear about your expectations for the job. Describe any other house rules (for example, rules about smoking or playing music). If an applicant wants time to think about your job offer, set a date for him or her to give you an answer.

Once you have hired the worker or workers you need, call the other applicants to let them know you've made a decision. Thank them for their interest. Ask each applicant if you can keep his or her name on file in case you need someone when your worker is not available.

Most applicants will accept your decision without question, but some may want to know why they were not chosen. Tell the truth, the person you hired seems to be the best match for you. You do not have to tell them anything else.

## **Step 5: Understand Your Role As Employer**

As this may be your first time as an employer, your role and responsibilities are described more fully in this section. Don't let this list of responsibilities discourage you. You will have lots of support to make sure they happen.

## Personnel Files

As soon as you hire someone, the file you have been keeping on him or her becomes the personnel file. This file should include:

- the job description
- the application
- the background/reference check release form
- a copy of the references
- a copy of the background checks conducted
- a copy of the signed employment agreement
- government and tax forms provided by your Fiscal Intermediary
- the worker's time sheet or activity sheet/documentation
- a summary of the worker's withholdings (*This form will be provided by your fiscal intermediary and withholdings are described in this section*)
- general worker information including address, phone number and emergency contact information

### **The Role of the Fiscal Intermediary**

As an employer, you have many responsibilities. When you directly employ workers with funds in your individual budget, a fiscal intermediary (FI) handles many of those responsibilities for you. A fiscal intermediary is an independent legal entity that acts as the fiscal agent of the service agency to handle funds in the individual budgets and provide supportive services to assist people implement their plans. If you hire your own workers, you will be assigned a fiscal intermediary or may be able to choose among fiscal intermediaries if your service agency contracts with more than one.

The service agency transfers the funds in your individual budget to the fiscal intermediary. The fiscal intermediary works with you to implement your budget and handle your employer responsibilities. The fiscal intermediary may offer other supportive services to help you directly employ workers; in some areas, the service agency provides this support. Ask your FI or supports coordinator to determine which agency provides these support services in your area.

When you directly employ workers, the fiscal intermediary serves as your employer agent. The fiscal intermediary will make payments to your workers and any other providers with whom you contract only when you authorize it to do so. That means that the fiscal intermediary handles many of the legal and technical employer duties related to the withholding and payment of taxes and payment of unemployment insurance. While the fiscal intermediary performs these duties for you, you are not giving up your responsibilities as employer to make sure that these functions are handled properly. Therefore, these employer duties are described below so that you can better understand them.

## **Employer Responsibilities**

### **Employee vs. Independent Contractor**

In the past, some people have tried to call their workers “independent contractors” to avoid some of the legal and tax requirements of employing workers. An independent contractor controls how and where a job is performed; an employee’s work is directed by the employer (for example, the employer sets the work schedule). The law has clearly established that workers that provide services and supports to individuals with disabilities are employees, not independent contractors. If you treat your workers as independent contractors to avoid employer requirements, you could face severe penalties from the Internal Revenue Service.

### **Verification of Employment Eligibility**

Your worker must be legally able to work in the United States. To verify that your worker is a United States Citizen or non-citizen who can legally work in the United States, each worker must complete *form I-9, Employment Eligibility Verification*. Your fiscal intermediary will provide you with this form. You can also obtain it by calling the United States Immigration and Naturalization Service at 1-800-357-2099 or download the form from <http://uscis.gov/graphics/formsfee/forms/i-9.htm>.

### **State and Federal Income Tax**

Income taxes are paid on worker income. In most cases, employers are required to withhold income tax from paychecks. However, you are not required to withhold federal or state income tax from wages of a “household employee” unless you have agreed to do so. Your workers are household employees. Even though you are not required to withhold income taxes, doing so can provide an important benefit to your worker(s). Your fiscal intermediary can calculate the correct amount to withhold, withhold it from the paycheck, and send it to the appropriate taxing authority.

### **Social Security and Medicare (FICA) Taxes**

Social Security and Medicare (FICA) Taxes pay for social security and Medicare benefits that people can access when they retire or if they become unable to work due to disability. As the employer, you must pay FICA taxes if you pay cash wages of \$1,000 or more to a single worker in any tax year. FICA taxes are 15.3 percent of wages paid. The worker and employer each pay half of the taxes. The employer must withhold the worker’s portion and send it with the employers’ portion to the Internal Revenue Service. Your fiscal intermediary will withhold these taxes from your employees’ paychecks and send them to the Internal Revenue Service.

### **Unemployment Tax**

The Federal Unemployment Tax (FUTA) and Michigan unemployment tax are used to compensate workers who lose their jobs. An employer is responsible for paying unemployment taxes if he or she pays \$1,000 in any quarter and must pay unemployment tax on the first \$9,000 paid to the worker in a year. Your fiscal intermediary will calculate and pay the appropriate unemployment taxes from the funds in your individual budget.

### **Liability Insurance**

As an employer, you are not required to have liability insurance, but having insurance can protect you in three ways:

- Insurance covers the costs and damage from a lawsuit if your worker or another person is

- injured in your home by you or by accident;
- It will pay medical costs not covered by health insurance if you are injured in your home by another person or by accident;
- It will cover the cost of replacing your property if it is damaged or destroyed by your worker or another person.

Check with an insurance agent or consult an agent about the cost of getting liability insurance and what the specific policy will cover. If you already have homeowners or renters insurance, that policy may cover some or all of the situations described above or your agent may be able to add coverage to your policy. Your allies and/or your fiscal intermediary can assist you with this task.

If the worker will be driving your car, you will need to provide a copy of the worker's driver's license to your insurance agent. If you require the worker to use his or her own car to run errands or transport you, check to see if he or she has the required car insurance coverage.

### Worker's Compensation Insurance

If you employ a worker who is not related to you in your home, you are responsible for purchasing worker's compensation insurance if the worker works more than 35 hours per week for more than 13 weeks per year. If you have three or more workers, all of the workers must be covered even if they work part-time. Worker's compensation does not cover relatives, which generally includes your parents, children, or spouse. More distant relatives may need to be covered. Worker's compensation may provide payment for lost wages and medical and rehabilitation costs if a worker is injured during employment. Worker's compensation is good for you as an employer because it limits your liability. Your fiscal intermediary can help you purchase required worker's compensation insurance.

### Labor Laws

In addition to the non-discrimination requirements described in Step 3: Screen and Interview Applicants, there are other state and federal labor laws that apply to employment. Since your workers must be at least 18, the restrictions on employing minors are not discussed in this book. Both state and federal law require that workers be paid a minimum wage. Generally, workers that work over 40 hours per week are entitled to compensation at one and a half times their regular rate. However, your workers may be exempt from overtime pay; ask your supports coordinator or ally to help you with your schedule to ensure that workers don't work too much.

### Employment Agreements

To avoid any misunderstandings, you must have an employment agreement with each worker you hire. In the employment agreement, include all tasks and duties that your worker will perform and the rate of pay and other benefits of employment. The wages that you can pay may be set out in your individual budget. You may not be able to set your own rate.

Most employment arrangements are at-will, which means that you can fire your worker or your worker can quit at any time. You can request, but not legally require, that your worker gives you one or two weeks notice if he or she decides to leave.

Both of you should sign and date two copies of the agreement so that you each have a copy. A sample agreement is provided on page 25.

This agreement should cover the following items:

- Duties: use the job description or a list
- Work schedule: include your policy for not showing up and arriving late as well as days off, holidays and vacation
- What your worker needs to do to respect your privacy
- Pay and benefits
- Whether the person can use your personal items including your phone and your food
- Rules regarding smoking, eating your food, alcohol use, swearing and attitudes

Your worker must also sign a Medicaid Provider Agreement with the service agency. The Medicaid Provider Agreement assures that your worker meets the Medicaid requirements. Your fiscal intermediary can help you make sure that both the employment agreement and Medicaid Provider Agreement are completed and can keep copies of these agreements. A sample employment agreement is provided in this book.

### **Using a Provider Agency**

Instead of hiring workers directly, you can contract with a provider agency to manage your support. Many agencies offer a variety of supports, ranging from personal care to job coaching or housekeeping activities. The main advantage of hiring through a provider agency is that the agency is responsible for sending a back-up worker if your regular worker is unavailable. This factor may be important if you need your worker to help you get out of bed or dressed for work. Even if you hire your own workers, you can contract with an agency to provide back-up support when you need it.

When you hire an agency to provide workers, the agency, as the employer, has the responsibility of hiring and managing workers and handles all of the employer duties. This arrangement means that you do not have to deal with the paperwork and details of hiring and employing a worker. It also means that you may not have a choice of who your workers are, and you may not be able to discipline or fire your workers directly; the agency will do this. You should, however have the option of using different workers if the worker they send does not meet your needs.

When considering use of a provider agency, contact several prospective agencies to learn how they operate and how much they cost. Hiring your workers through a provider agency will likely be more expensive than hiring your worker directly and the worker may be paid less. Some of the cost goes toward administrative fees including worker's compensation and liability insurance. It may also go to pay for health insurance or other benefits for your workers.

When you contact agencies, make sure you ask about their policies, procedures and costs. Can you choose your workers? How do you make a complaint about a worker? What can you do when a worker is not working out?

If you hire a provider agency to provide your support and have a problem that the agency will not solve, contact your supports coordinator for assistance.

## **Agency with Choice**

Agency with Choice is a type of provider agency that supports you to effectively hire and manage support workers yourself.

In the Agency with Choice model, you and the agency share the employer duties. The agency handles many of the legal and technical employer duties. But you are the managing employer. You recruit, hire, supervise, and, if necessary fire, your own worker(s). The agency can provide you with as much support as you request with these tasks; for example, the agency can help you recruit and interview potential workers. However, the agency cannot interfere with your authority as the managing employer. You and the agency enter into a three-party agreement with each support worker that describes the duties and responsibilities of each party.

The Agency with Choice's duties include paying your workers, withholding income and other taxes for your workers, making payment directly to appropriate government agency, and providing employee benefits such as health insurance.

You can choose any worker that meets the provider requirements. You are free to hire eligible friends or family members or can recruit workers through word of mouth, advertisements or other means. You cannot hire your legal guardian or a relative who has legal responsibility for you (such as your spouse). You set the terms and conditions of employment, determine the hours and job duties, and authorize payment by the agency to the worker by signing time-sheets.

### **Step 6: Train and Manage Your Worker**

When you hire a worker, you must immediately establish that you are the boss. The quickest and most effective way to do so is to talk with the worker in a clear, respectful and professional manner. You should respectfully direct your workers' activities, rather than asking them for favors or making demands. This manner will establish you as the employer and is more likely to lead to a successful relationship between you and your worker.

As the employer, you have the right to have tasks done in the way you want them done. You also must address any issues or problems that come up. When you hire a worker, set up the worker's schedule and tell him or her the importance of showing up as scheduled and arriving on time. Describe how it will affect your day if your worker is late or does not show up. Let the worker know what to do if he or she is sick or can't make it because of bad weather. You also should discuss what the worker should do and whom the worker should contact if you have an emergency.

Be sensitive to issues related to culture or religion. Your worker may come from a different background, culture, or religion or simply have different values or preferences. Being different does not mean that either of you are wrong. While you need to be sensitive to your worker's differences, you have the right to have tasks done the way you want them done.

## **Train Your Worker**

While you are training your worker, describe the tasks in detail both verbally and in writing. Consider creating one or more lists of specific job tasks. Write out each task briefly in the order that the tasks are to be done. Include details such as where the task is performed and any supplies needed. Go through the list with your worker and give him or her a copy. Keep another copy where the worker will be working. You can put the lists away and take them out only when needed.

Use the checklist to discuss your expectations in detail; describe how you want tasks performed and make clear that your disability may require that tasks be done in a specific way. If possible, it may be helpful to show a new worker how tasks are to be performed. Plan on training your worker over several days. Do not expect him or her to remember the job tasks after going through them with you just once. It will take time for you to explain how you want things done and for your worker to get comfortable doing things the way you want them done.

In addition to training your worker on the specific job duties, your worker must be trained in universal precautions, first aid and CPR. Ask your supports coordinator about different possibilities for training.

### **Trust Issues**

The relationship between you and your worker is personal in nature. You must decide whether you want to have a purely professional relationship or a relationship that is both professional and social. Do not let your friendship with your worker interfere with your professional relationship.

You are inviting your worker into your home, where he or she might have access to your possessions, money and medications. There are a number of precautions you can take to safeguard your belongings. The first precaution is to screen workers thoroughly: perform background checks and check with references to determine if applicants are trustworthy.

### **Handling Money**

If you need help handling money, it's better to get that help from someone other than your worker, such as a family member or a trusted friend. Having your worker handle your money can cause problems for both of you. You risk having money stolen and your worker risks being accused of theft.

If you sometimes need to have your worker handle money, use the following guidelines:

- Avoid letting your worker write checks or withdraw money for you.
- Never let your worker use your credit card.
- If you ask your worker to take money from your wallet or purse to make a purchase for you, always observe him or her, record the amount taken in a note and sign the receipt when the worker returns with the purchase and change.

If you ask your worker to write checks, document when, why, and the amount of each check. Keep a written record that you both sign. Make sure that your worker has a signed document explaining why checks are written to him or her, in case someone questions it later.

### **Precautions You Can Take to Protect Your Assets and Yourself**

The following are other precautions you and your allies can take:

- Consider having your benefits payments or paychecks deposited directly into a bank account. If you use a representative payee for your SSI or SSDI benefits, do not make your worker your representative payee.
- Lock up or put away personal papers in a filing cabinet, safety deposit box or a safe.
- Pick up and go through the mail yourself or ask someone other than your worker to do so. Consider using a post office box to make sure that your workers do not have access to your mail.
- Do not give workers your ATM cards and PIN numbers.
- Review your bank and credit card statements every month, and at least once a year request a credit report from one of the three major credit bureaus:  
Equifax (800) 525-6285;  
Experian (888) 397-3742 or  
Transunion (800) 680-7289 or  
online at **annualcreditreport.com**.

You can obtain one free credit report from each of these companies every year.

- Keep track of your medication or ask your one of your allies to do so.
- Do not lend your worker your property for his or her own personal use.
- Be sure to get your key back when a worker quits or is fired, and consider changing your locks.
- Check the phone bill each month for unauthorized calls. Consider blocking expensive calls (such as 900-Numbers or long distance) from your phone.
- Never add the worker's name to savings, checking, charge accounts or any other documents.

### **Communication**

The first step in successful communication with your worker is to establish your authority as employer from the beginning. This authority means that if you are not happy with something, you have the responsibility to change or fix it. Similarly, if you think that your worker is unhappy with something, it is your responsibility to address the situation and work with him or her to solve the problem.

Tell your worker when he or she does something well and identify any problems when they are small so that they do not grow. Be specific when giving feedback. "Great job" does not have much meaning. Instead, describe how you really liked the way a task was done.

Remember that you have the right to direct how your worker provides you with support. If your worker does something the wrong way, explain how the task was performed incorrectly and give specific instructions about what needs to be done differently. When giving feedback to correct the way your worker does something, speak calmly. Be clear, respectful and honest. If you need to express negative feelings, criticize your worker's behavior and not your worker. Do not be mean or rude. Use eye contact and listen to your worker's concerns. Work together to find a solution that satisfies both of you, but remember that you have a right to have your support provided in the way that you want.

## **Performance Reviews** **(Letting Your Worker Know How He or She is Doing on the Job)**

When you hire a worker, set up a plan to review how your worker is doing. This review will give you and your worker an opportunity to discuss how tasks are done in detail and address any ongoing issues. By setting it up in advance, the worker will know that it is not punishment. At the review, talk about training that may be needed. Ask your supports coordinator about the training available in your area. This review does not replace ongoing feedback.

### **Firing a Worker**

Nobody likes to fire a worker, but you may find yourself in a situation where your only choice is to let one of your workers go.

The best way to avoid having to fire a worker is to begin dealing with an issue when it first arises. Set aside time to sit down in a quiet place and make sure your worker understands how serious the problem is and how it affects you and your activities. Describe the problem and the solution you want. Be open to your worker's ideas about how to solve the problem, but remember that you make the final decision about how your worker does the job duties.

There may be times when you need to fire a worker immediately for reasons such as theft, threatening or abusive behavior, or the use of drugs or alcohol. If you need to fire worker, ask one of your allies to be with you during the actual firing. Your ally will provide you with support and ensure that the worker does not accuse you of saying or doing things that you did not say or do.

If you suspect your worker stole something from you, ask him or her so that you get his or her side of the story. If you are certain about the theft or if your worker engages in abusive behavior toward you, call the police. Abusive behavior includes touching you inappropriately, hitting you, neglecting your needs, calling you names, yelling at you or doing other things that make you uncomfortable. If you are afraid that the personal assistant will harm you, let the police know. In addition, call your supports coordinator and your allies.

Some people let petty thefts go on because they are afraid of losing their workers and not being able to find replacements. Difficulty in finding a worker is not a valid reason for staying in an abusive situation. Instead, try to have enough regular employees, many people in your backup plan, and friends you can call so that the loss of one worker will not cause your entire support system to fall apart. Remember that you can ask your allies, family, friends and supports coordinator for assistance.

## **Sample Job Descriptions/Advertisements**

### Sample #1

Part-time female assistant: for active young woman with a disability. Assistance with grooming, housework and accessing the community. Flexible hours. Call 555-1111.

### Sample #2

Seeking peer support for young man with disability. Worker will help access community services and activities and provide support. Excellent opportunity for someone who wants to share his experience with disability. \$10 per hour. Can work around your schedule. Call 555-1111.

### Sample #3

Female personal care attendant for woman with a disability—Mon, Wed, Fri, Sat, 7-9:30 a.m. \$8.50 per hour. Will train. Call 555-1111.

### Sample #4

Looking for responsible individual to accompany a young man with a disability to various community activities 1 to 2 times a month.

- Must have reliable transportation
- Must be interested in having fun
- Must enjoy going to community festivals, movies, video arcades, the mall, museum and other local hot spots
- Must be 18 or older
- References and background check required

Pay is \$9.00 per hour. To setup an interview, call 555-1111.

### Sample #5

Seeking individual to help young woman with disability to help get access and coordinate community participation including transportation to and from appointments, recreation activities and employment. Assist woman to navigate services and supports including service array, consumer rights, and grievance procedures. Flexible Hours and Good Pay. Call 555-1111.

## **Job Description Worksheet**

Write a brief description of tasks your worker will be expected to perform. Use only the categories that you need and ignore the rest.

Recreation/Leisure/Exercise

Community Participation (such as help finding and accessing activities in the community that interest you)

Help with Getting Government Benefits (such as services and supports, Social Security benefits or rehabilitation services)

Household Tasks (housekeeping, shopping, laundry, meal preparation)

Transportation (to medical appointments, grocery shopping or community activities)

Employment Support (such as job coaching)

Peer Support

Personal Care (such as dressing, bathing, transferring, eating)

Other

Hours/Schedule

Pay Rate

## Sample Interview Questions

### General Questions

- Why are you interested in this kind of work?
- What kind of special training do you have?
- Can you drive? Can you operate my van? Would you be willing to drive me when I need to go somewhere? Do you have car insurance?
- Are there any problems with the days or hours that I need you to work?
- Can you work on weekends or holidays?
- How much will you need to be paid? Are you willing to work for \$\_\_\_\_\_?
- Would you agree to a trial period for training and to see if we get along?
- Can you tell me about yourself?
- Do you have experience doing any of these tasks?
- Where else have you worked?
- Do you have reliable transportation?
- How long do you plan to stay on the job? Will you provide two weeks notice before quitting?
- Why did you leave your last job?
- What did (or do) you like and dislike about your last (or current) job?
- If there are gaps between jobs, why?
- Are you currently working? Where? How long have you worked there?
- Are you looking for temporary or permanent work?
- Why did you answer my ad instead of others you may have seen?

### Specific Questions

The following questions are related to qualities specific to persons. These questions are important because it is often the small day-to-day details that can make or break an arrangement. Use them as examples to develop your own questions specific to your life, needs or preferences.

- Do you mind being around someone who smokes or drinks?
- Will it bother you to work around a cluttered house?
- Are you allergic to smoke or pets?

### Sensitive Questions

Employers are not allowed to make hiring decisions on the basis of non-job-related factors such as religion, race, color, national origin, age, sex, height, weight, marital status, or disability. Therefore, you need to be careful about how you ask certain questions. The following questions are examples of questions that you can ask and the reason why you should ask the question that way.

Question	Reason You Need to Ask the Questions in a Specific Way
Are you 18 years of age or older?	You can only ask about age to determine if someone is of legal age.
Have you ever been convicted of a crime? What? Where? When?	You cannot make an inquiry into arrests that did not result in conviction, but you can ask whether there are any felony charges pending against the person.
Is there anything in the job description that you can't or won't do?	You can't ask if the person has a disability. This ban means that you cannot ask if someone receives support services or takes medication for a physical or mental condition.
Would you ever need to bring someone to work?	You can't ask if someone is married or has children, but this question is directly related to job performance.

## Sample Application for Employment

<b>Name</b>						
<b>Address</b>						
<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Phone Number</b>			
<b>Are you a US Citizen</b> Yes____ No____			<b>If no, give Alien Registration Card or Work Permit Number</b>			
<b>Highest Education Level Completed</b>						
<b>Certifications, Licenses, CPR</b>						
<b>Other Training/skills:</b>						
<b>Work History</b>						
<b>Name and Address of Company</b>	<b>From</b>		<b>To</b>		<b>Reason for Leaving</b>	<b>Name of Supervisor</b>
	<b>Mo</b>	<b>Yr</b>	<b>Mo</b>	<b>Yr</b>		
	<b>Describe the work you did:</b>					
<b>Telephone Number</b>						
<b>Name and Address of Company</b>	<b>From</b>		<b>To</b>		<b>Reason for Leaving</b>	<b>Name of Supervisor</b>
	<b>Mo</b>	<b>Yr</b>	<b>Mo</b>	<b>Yr</b>		
	<b>Describe the work you did:</b>					
<b>Telephone Number</b>						
<b>Name and Address of Company</b>	<b>From</b>		<b>To</b>		<b>Reason for Leaving</b>	<b>Name of Supervisor</b>
	<b>Mo</b>	<b>Yr</b>	<b>Mo</b>	<b>Yr</b>		
	<b>Describe the work you did:</b>					
<b>Telephone Number</b>						
<b>Days/Hours Available</b>	<b>Beginning Time Available</b>		<b>Ending Time Available</b>		<b>Hours</b>	
<b>Monday</b>						
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Total Hours</b>						
<b>Signature of Applicant</b> _____					<b>Date</b> _____	

## Reference & Background Check Release Form

Applicant's Name: \_\_\_\_\_ Potential Employer: \_\_\_\_\_

I, \_\_\_\_\_, authorize my potential employer or any person authorized by him or her to contact my former employers and the personal references that I have given with regard to my job performance and character. If this position requires either that I drive my employer's vehicle or drive my employer in my vehicle, I agree to show my employer proof of current insurance on my vehicle and proof of a valid driver's license. I also agree to cooperate with my employer in obtaining a copy of my driving record, with the understanding that my employer will pay any necessary costs. I understand that my employer may check public court records for cases, civil or criminal, listed under my name.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Driver's License Number: \_\_\_\_\_ State Issued by: \_\_\_\_\_  
 Signature of Potential Employer: \_\_\_\_\_ Date: \_\_\_\_\_  
 Previous Name Used: \_\_\_\_\_

I authorize the potential employer or a person authorized by the potential employer to contact the following references and authorize the following references to release information to my potential employer or his or her representative to evaluate my qualifications for the above-mentioned position.

**References** (please provide two employment and two personal references)

Employment

Name \_\_\_\_\_ Employer / Position \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name \_\_\_\_\_ Employer / Position \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

Personal

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_  
 Name \_\_\_\_\_ Relationship \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_

I authorize the reference to share information in the following initialed categories:

Category:	Applicant's Initials:
Attendance/Punctuality	
Job Knowledge	
Trustworthiness	
Reason for Leaving Previous Employer	
Job Performance	
Attitude	
Reliability	
Employment Dates	

Signature of Applicant \_\_\_\_\_ Signature of Witness \_\_\_\_\_

Date \_\_\_\_\_

## Prototype Employment Agreement

**Notes in bold, italics and brackets are places where specific information must be inserted. To make the agreement clearer for the participant, his or her name and the employee's name should be used throughout the document.**

This agreement is made on **[Insert date]** between **[Insert name of participant directly employing the worker]** ("employer") and **[Insert name of employee]** ("employee") to describe the supports that the employee will provide to the employer and the terms and conditions of employment.

### Article I Employee Responsibilities

1. During the term of this Agreement, I shall provide support to my employer by performing the duties outlined in this agreement and any attachments to it.
2. I agree to assist my employer in maintaining the documentation and records required by my employer or the service agency. I agree to complete all necessary paperwork to secure mandatory payroll deductions from my pay. All records I may have or assist in maintaining are the property of my employer. I will keep these records confidential, release them only with the consent of my employer, and return them to my employer if my employment ends. In addition, I will complete illness and incident reports when necessary as required or requested by the service agency or my employer.
3. **[Optional Provision: I shall immediately notify (*insert the name and contact information of the contact person chosen by the employer (for example, it may be an ally)*) if my employer experiences a medical emergency or illness. I will also notify (*insert name of contact person*) before taking my employer to the physician, except in case of an emergency.]**
4. I agree to participate in any meetings if requested to do so by my employer.
5. I agree to abide by all of my employer's rules and regulations (described below) regarding my employment duties to the employer and I acknowledge receipt of the following rules and regulations
  - a. Attachment A to this Agreement, which outlines the supports that I will provide to my employer.
  - c. **[Employer should insert rules he or she may have (such as rules regarding phone usage or smoking in his or her home)].**
  - d. **[Insert reporting and documentation requirements for verifying hours worked].**
6. I understand that this is an employment at will relationship, which can be terminated by me or by my employer at any time. However, my employer cannot terminate my employment on the basis of my race, religion, sex, disability or other protected status under federal or Michigan law. In addition, I agree to give **[insert number of days]** days written notice to my employer if I terminate my employment.

7. I understand and acknowledge that my employer is my sole employer and that I am not an employee of the agency that authorizes the supports I provide, or the fiscal intermediary, which is the financial administrator of the funds used to pay me.
8. I agree to not to sue the fiscal intermediary for its role as the financial administrator of my funds and the agency that authorizes my supports for its role in administering my plan and funding.
9. I agree to the following compensation for the services I shall perform: **[\$[Insert hourly wage] an hour. [Insert specific information about any benefits the employee shall receive and describe benefits that will be excluded].**

**Article II  
Employer Responsibilities**

I, **[insert name of Employer]** (“Employer”) agree to the following:

1. I will provide my fiscal intermediary with the necessary documentation to assure time-compensation of my employee.
2. I will compensate my employee in the following manner: \$ **[Insert hours wage]** an hour. **[Insert specific information about any benefits the employee shall receive and describe benefits that will be excluded.]** Payroll will be handled by my fiscal intermediary **[Insert name of fiscal intermediary]**, which will withhold all necessary tax, unemployment and other withholdings from the employee’s paychecks.
3. I will assure my employee receives appropriate training.
4. I will evaluate the performance of my employee and provide appropriate feedback to assure that I am receiving quality supports.

---

Employee Signature

Date

---

Employer Signature<sup>3</sup>

Date

---

<sup>3</sup> Some individuals may have a guardian or chosen legal representative. If the employer has a guardian or a chosen legal representative, a place should be inserted for that person to sign and the appropriate documentation verifying that person’s authority should be attached to that agreement.

## **Glossary – Words Used in this Booklet and What they Mean**

**Agency with Choice** An agency that shares employer duties with you, allowing you to recruit, hire and manage workers

**Allies** Individuals who you choose to help you develop and implement arrangements that support self-determination

**Arrangements that support self-determination** Methods for you to realize the values of self-determination

**Choice Voucher System** A system of methods for you to direct your individual budget and directly employ workers

**Fiscal Intermediary** An independent agency that process and manages the funds in your individual budget, makes payments to providers of services as authorized, and provides you with support and assistance as needed

**Individual Budget** The funding authorized to provide the services and supports in your Individual Plan

**Individual Plan of Services and Supports** The plan of services and supports that will be authorized and paid for by your service agency.

**Medicaid** A government program that provides funding for services and supports

**Person-Centered Planning** The way that you come together with your allies and support coordinator to determine what services and supports you and how you will use arrangements that support self-determination

**Qualified Provider** A person or agency you choose to provide your services and support and who meets the Medicaid and your service agency's provider requirements

**Self-Determination** The belief and value that you have the freedom to define your life make meaningful choices regarding your life and have the chance to direct the services and supports you need to pursue that life

**Service Agency** A term used for the agency that authorizes your Individual Plan of Services and Supports and your Individual Budget. For many participants, their service agency is their Community Mental Health Service Program (CMHSP)

**Supports Coordinator** A person who works for your service agency and works with you to develop an individual Plan of Services and Individual Budget that are authorized by the agency. The Supports Coordinator also provides other assistance and support to you

## Resources to Help You

### PIHP/CMHSPs

To find the service agency in your area:  
Contact the Michigan Association of Community Mental Health Boards  
<http://www.macmhb.org> or (517) 374-6848, or

Visit the Department of Community Health web site at [http://www.michigan.gov/mdch/0,1607,7-132-2941\\_4868---,00.html](http://www.michigan.gov/mdch/0,1607,7-132-2941_4868---,00.html)

### Centers for Independent Living(CILs)

Find a CIL near you at [http://www.michigan.gov/mcsc/0,1607,7-137-6118\\_22503\\_23185-62985--,00.html](http://www.michigan.gov/mcsc/0,1607,7-137-6118_22503_23185-62985--,00.html) or call Disability Network of Michigan at (517) 339-0539.

### Local Arc Chapters

Visit The Arc Michigan Web site at [www.arcmi.org](http://www.arcmi.org) or call (800) 292-7851 to find a local chapter near you.

### Organizations for people with Mental Illness

Find a NAMI chapter in your area, by visiting the NAMI Web site at [www.nami.org](http://www.nami.org) or by calling the Michigan office at (800) 331-4264.

### Books and Training Materials

*Caregivers and Personal Assistants*, by Alfred Degraff, Saratoga Access Publications Third Edition (2002).

*Pathways to Leadership: Personal Assistant Training Manual*, by Elizabeth Janks, Wayne State University, Developmental Disabilities Institute (2002).

*Personal Assistance Services: Creative Management and Misdemeanors*, by Marilyn Hammond, New Mobility Magazine, page 18 (June 1999).

*Personal Assistance Services Guide*, Interagency Outreach Training Initiative and the Utah Assistive Technology Program

*A Step-by-Step Guide to Training and Managing Personal Assistants*, by Gary R. Ulicny, Amy Adler, Sara Kennedy, Michael Jones, Research and Training Center on Independent Living, University of Kansas.

