



# RECOMMENDED PRACTICES

# NANNY EMPLOYERS

The International Nanny Association recommends these practices but has no authority to require a member to adhere to them. INA does not represent that the Association has the authority to discipline a member for a violation of the letter or spirit of what is recommended. Consequently, the INA assumes no responsibility or liability for the action of any member of the Association.

The INA Recommended Practices for Nanny Employers was written primarily for USbased Nanny Employers. Those living and employing Nannies outside of the US should consult with the legal and governmental entities in their location.

## Legal Responsibilities

**Take on the role of employer.** Nannies are employees of the family for whom they work; they are not independent contractors. The INA recommends that Nanny Employers who employ a nanny take the steps necessary to establish themselves as a legitimate employer.

- Securing a Federal Identification Number with the IRS by completing form SS-4
- Obtaining an employer identification number from the state in which the family resides (by contacting the state office that handles employment).
- Parents may also have to report "a new hire" with the office that handles employment in the state where the family resides.

**File correct year-end paperwork.** The INA recommends Nanny Employers file the proper yearend tax forms and supply their nanny with a W-2 form by January 31st of each year. Parents must also file form W-3 with the Social Security Administration by February 28th of each year. A list of INA members who provide payroll services and legal counsel to employers of nannies and who agree to adhere to INA's Commitment to Professional Excellence and Recommended Practices can be found at [www.nanny.org](http://www.nanny.org)

**Pay employees fairly and legally.** The INA recommends that Nanny Employers guarantee to pay their nanny for all agreed upon hours, as well as overtime as required by law. Laws about overtime pay differ depending on the state or country. In the United States, overtime for live-out nannies begins after 40 hours per week. Many states establish overtime pay for live-in employees; this is determined at the state, not federal, level. Employers should pay their nanny the number of hours they have set aside to work, even if the Employer comes home early or has other caretakers who can cover (i.e. family members). Nanny must be able to guarantee their income to budget accordingly. Nannies are employees and as such Employers are responsible to follow employment tax and workers compensation laws, and must adhere to laws establishing benefits such as paid sick leave.

**Pay required taxes.** The INA recommends that Nanny Employers follow federal law that requires all Nanny Employers pay a portion of their employee's Social Security taxes, state unemployment taxes, and in some states, workers' compensation. If the family is new to employing a nanny, they may consider reaching out to nanny payroll specialist.

## Work Relationship with the Nanny

**Be accurate and truthful about the job.** The INA recommends that Nanny Employers accurately and truthfully describe job duties and responsibilities, working conditions, hours, salary and benefits for in-home child care employment opportunities.

**Develop a written work agreement.** The INA recommends that Nanny Employers create and implement a written work agreement to outline the responsibilities, agreed upon pay, schedule, and benefits. The nanny and family should both sign the work agreement to acknowledge their aligned agreement, both initially and whenever changes are made. INA offers resources to help with this to members within the Nanny Family Handbook. Contents should include:

- Information about the employee and employer
- The time frame of the agreement
- How amendments can be made to the agreement
- How the agreement can be terminated
- Nanny's duties
- Nanny's responsibilities
- Nanny's schedule
- Job duties
- Driving rules and responsibilities, if any. The agreement should outline whether the nanny has use of the employer's car during working hours or if the nanny will receive mileage reimbursement for work-related driving should she use her own car. It should also include information about insurance and responsibility if there is an accident.
- Employer's legally required tax obligations
- Probationary period
- The frequency of work agreement review
- Terms of notice, termination, and grounds for dismissal
- The compensation package, including:
  - Salary
  - Health benefits
  - When and how payment will be made
  - Compensation for overtime worked
  - Additional benefits such as paid holidays, vacation time, bonuses and sick leave
- Some agreements will also include disclaimers or statements about the use of nanny cameras, family relocation, use of vehicles, house rules and confidentiality agreements.

## Work Relationship with the Nanny (continued)

**Adjust the written work agreement as needed.** The INA recommends that Nanny Employers work with their nanny to update the work agreement anytime significant changes are made in the position or role. Changes can include additional children entering the home, there is a change in schedule and/or duties. The work agreement should be revisited each year at the working anniversary, at a minimum. If additional responsibilities are being added, the Nanny Employer should offer increased compensation for the added work and their nanny must agree to the new terms.

**Provide regular reviews to the nanny.** The INA recommends that Nanny Employers get together with their nanny on a regular basis without the children to check in on overall topics, changes or concerns from the Nanny Employer or the Nanny. An annual review should be provided but regular open and honest communication is key to a strong and long relationship.

**Implement raises.** The INA recommends that Nanny Employers give annual raises keeping in line with cost of living increases and a year-end bonus to the nanny (typically equivalent to 1 week's pay). Raises should also be given as the responsibilities of the role increase or another child enters the family. The Nanny Employer may offer a raise or bonus to the Nanny based on exceptional performance as well.

**Offer additional benefits.** The INA recommends that Nanny Employers offer additional benefits to their nanny including:

- At least 2 weeks paid vacation per year
- Paid sick days and personal days, allowing their nanny to schedule her desired vacation time
- Provide petty cash or credit card up front to the nanny to cover incidentals she may need to purchase while caring for the children (i.e. cab fare, drink, snack).
- If the nanny drives the children in her own vehicle, reimbursement for miles driven during the work day at the federal mileage rate, which changes annually.

## Work Relationship with Placement Agencies

**Ask agencies detailed questions.** The INA recommends that Nanny Employers talk to the agency to make sure your values and budget are in alignment. Some topics of the initial call might include:

- Benefits of working with their agency
- The cost to the family (deposit, when the final placement fee is due, etc.)
- Anticipated time of placement
- Core values
- Details of their screening process

## Work Relationship with Placement Agencies (continued)

- Background Checks included
- Resources offered
- Requirements of the clients they take on

**Check agency reviews & reputation.** The INA recommends that Nanny Employers check out the agency's online presence and social media avenues before engaging with the Placement Agency. Read what others have said. Note the agency's experience, credentials, and associations they belong to, like the INA. Personal referrals can also be very telling.

## Work Relationship with Placement Agencies

**Request a service agreement from agencies.** The INA recommends that Nanny Employers thoroughly read through the details of a Placement Agency service agreement to ensure that you understand what is included in the service and at what cost to you.

**Discuss ongoing support offered by agencies.** The INA recommends that Nanny Employers be sure to understand what happens after placement. The agency may offer backup care or sitter services, assist in performance reviews or work agreement direction.

## Work Relationships with Online Recruiting Sites

**Communicate initially through the recruitment site.** The INA recommends that Nanny Employers don't share personal details about their family, (last name, home address, children's schools) or personal contact information such as phone or email.

**Conduct a phone interview prior to an in-person interview.** The INA recommends Nanny Employers conduct initial meetings in a public place such as a coffee shop, restaurant, or library meeting room. Only when the Nanny Employer is confident in proceeding should they invite the candidate to their home.

**Contact references.** The INA recommends that Nanny Employers conduct checks of the nannies references either by phone or in person where possible or at least 2 previous employers. Nanny Employers should be sure to verify the information the candidate has given is correct about the start and end dates. Ask questions about how the candidate performed on the job and the reason he or she is no longer in that position.

**Perform a comprehensive background check.** The INA recommends that Nanny Employers hire a reputable background check company to conduct a comprehensive check of the candidate's background before leaving the candidate unaccompanied with their children. The INA has provided a list of Recommended Practices for Background Checks,

## Work Relationships with Online Recruiting Sites (continued)

**Read online reviews through recruiting websites.** The INA recommends Nanny Employers look through parent reviews about nannies before starting the interview process.

**Consider a trial period.** The INA Recommends that Nanny Employers provide a trial period with the candidate in their home. The Nanny Employer should be present in the home during much of this time.

## Watching for a Problem

**Monitor the relationship.** The INA recommends that Nanny Employers pay attention to changes in their children's behavior and moods. Nanny Employers should ask their children open-ended questions about their day, and ask a neighbor to keep an eye out or stop by occasionally. Nanny Employers can even come home unannounced occasionally.

**Be aware of the caregiver's behavior.** The INA recommends that Nanny Employers make note of changes to the caregiver's energy and enthusiasm. Variations in mood and focus in the caregiver can be a sign of many things. When these changes are noticed, Nanny Employers should talk with care and compassion to the caregiver to find out if there is a problem within the job that the Nanny Employer. If there is a problem within the job, Nanny Employers should resolve the issue quickly and fairly.

**Use video monitors legally.** The INA recommends that Nanny Employers research local laws about the camera and monitoring systems within the home. If the Nanny Employer chooses to utilize this technology, it should be clearly communicated with the caregiver where the cameras are and what they will be used for.

## Part-Time and Temporary Employees

**Make modifications for part-time and temporary employees.** The INA recommends that Nanny Employers who hire part-time or temporary caregivers modify the following items from what is described above.

- **Written Work Agreement:** A part-time or temporary nanny written work agreement might only need to include the basics: pay, hours and responsibilities.
- **Implementing raises:** The nature of part-time or temporary employment means that discussing regular raises might not be required.
- **Regular reviews:** While the INA recommends part-time or temporary employees are still provided with job feedback based on performance, regular job reviews are not necessary.
- **Benefits:** Part-time or temporary employee benefits would change based on the number of worked hours and time in the job. Fewer hours and or shorter commitments would mean that PTO and other benefits might not be required. Nanny Employers should consult with local laws regarding this.

## Part-Time and Temporary Employees (continued)

**Tax compliance is always required.** The INA recommends that all Nanny Employers follow all tax compliance laws. Part-time temporary and long-term caregivers are still employees, therefore, both the employee and the employer need to follow the law.

**Know the threshold for full-time employment.** The INA recommends that Nanny Employers follow the IRS (or governmental authority in the place of employment) definition of full-time and part-time employment.