



# RECOMMENDED PRACTICES

# PLACEMENT AGENCIES

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.

## General Practices

**Respect the work agreements between families and caregivers.** The INA recommends that Placement Agencies not solicit Nannies for other positions while they are still in the employ of a family unless the Nanny requests assistance with finding a new position.

**Respect the proprietary promotional or company-sensitive materials of other Placement Agencies.** The INA recommends that Placement Agencies independently develop all materials related to the operation of their business. If forms, marketing information, training material or other publications are used from other companies, the Placement Agency must obtain written permission and cite the source of materials on the publication or document.

**Abide by all pertinent laws and regulations.** The INA recommends that Placement Agencies be knowledgeable about and comply with all applicable laws and regulations affecting placement operations in their jurisdictions, including but not limited to licensing requirements, immigration laws, and wage and labor requirements. INA urges Placement Agency owners to check with their state Attorney General, Department of Labor, Secretary of State, IRS or the regulatory body that oversees business licensing in the location where the agency will do business to find out what licensing, if any, is required.

**Carry Professional Liability Insurance.** The INA recommends Placement Agencies carry professional insurance if obtainable.

## Relationship with Clients

**Disclose the process of vetting caregivers.** The INA recommends that Placement Agencies disclose the method they use to recruit, interview and evaluate caregivers. When personal interviews are not possible, the prospective employer should be advised which interview method was used (by telephone or by an agent acting on behalf of the agency).

**Check caregiver's personal and employment references.** The INA recommends that the family be provided with information on a caregiver's employment history. At a minimum, two references should be checked by telephone. The agency should disclose all information about the caregiver verified through personal and employment references, as allowed by law. Families should be provided with information and encouraged to check references for themselves.

**Provide information on the caregiver's job qualifications to the prospective employer.** The INA recommends that Placement Agencies accurately disclose to the prospective employer information obtained through a caregiver's references and background screening. Agencies should also disclose the methodology used to obtain the information, as allowed by law.

## Relationship with Clients (continued)

**Prepare a written agreement with each client family.** The INA recommends Placement Agencies develop a written agreement between the Placement Agency and the prospective employer to facilitate an understanding of the obligations and expectations of both parties. Both the agency and the prospective employer should keep a copy on file. Included in this agreement should be a full and accurate explanation of the Placement Agency's fees, refund/replacement policy, services to be provided by the Placement Agency. Furthermore, the Placement Agency will describe the relationship between Client Family and Caregiver including the understanding that the client family will follow all employment laws in regards to hiring the Caregiver.

**Make adjustments/refunds promptly.** The INA recommends Placement Agencies make refunds and adjustments quickly and in accordance with the written policies for the Placement Agency. Timeframes and any other conditions regarding replacements or refunds, such as limits on the number of replacements or amounts that will be refunded, should also be included in the written agreement that is provided to the prospective employer.

## Relationship with Clients (continued)

**Provide a full explanation of requirements to caregivers.** The INA recommends that Placement Agencies provide a written explanation to caregivers regarding applicable fees and/or agency services to job applicants prior to rendering services. INA recommends the agency inform caregivers in writing of the agency's obligations to the caregiver prior to and after placement. Such an explanation of services should include fees, if any, to be paid by the applicant, the agency's responsibility to the caregiver in the event a placement is unsuccessful and the agency's policies regarding payment for travel costs for interviews or relocation to accept a job.

**Be accurate when describing available positions.** The INA recommends that Placement Agencies accurately and truthfully describe job duties, responsibilities, working conditions, hours, salary and benefits for in-home child care opportunities. Placement Agencies should also present only available positions to caregivers looking for a job.

**Make family information available to nanny candidates.** The INA recommends that Placement Agencies provide caregivers with descriptive information on prospective families and the positions that they are offering. In addition to details pertaining to the available position, such information might include the parents' child-rearing philosophy and a profile of the family including their special interests and specific needs. Family references may also be provided to the nanny candidate.

## Relationship with Caregivers (continued)

**Coach the family and caregiver to develop a work agreement.** The INA recommends that Placement Agencies encourage the employer and caregiver develop a written work agreement which accurately describes the conditions of employment which has been arranged. At a minimum, INA recommends that a work agreement include: job duties; hours and days of duty; wage amount; when and how paid, and compensation for overtime worked; employers legally required tax obligations; additional benefits such as health insurance, holiday and vacation policies, sick leave if offered; frequency of work agreement review; terms of notice of termination and grounds for dismissal. \* See INA's Nanny Employer Handbook.

**Respect and regard caregivers as clients.** The INA recommends that Placement Agencies regard caregiver with the same respect as client families by considering each caregiver's preferences and qualifications when making referrals to prospective employers.

## Placement Agencies who Employ Caregivers in the USA

**Take on the role of employer.** The INA Recommends that Placement Agencies who employ their caregivers follow all required steps to become an employer. Placement Agencies should reach out to their local, state and federal governments to understand what is required.

**Pay required taxes.** The INA recommends that Placement Agencies who employ their caregivers follow federal law that requires all employers pay a portion of their employee's Social Security taxes, state unemployment taxes, and, in some states, workers' compensation.

**File correct year-end paperwork.** The INA recommends Placement Agencies who employ their caregivers file the proper year-end tax forms and supply their caregiver with a W-2 form by January 31st of each year. Agencies 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)

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

## Placement Agencies who Employ Caregivers in the USA (continued)

**Pay employees fairly and legally.** The INA recommends that Placement Agencies who employ their caregivers 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. Placement Agencies who employ their caregivers 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). 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.

**Develop an employee handbook with policies and procedures.** The INA recommends that Placement Agencies who employ their caregivers create and implement an employee handbook that outlines the responsibilities agreed upon regarding pay, schedule, and benefits. It is recommended that Placement Agencies who employ their caregivers consult an attorney or HR Consultant to develop this handbook.

**Provide regular feedback or reviews to the caregiver.** The INA recommends that Placement Agencies who employ their caregivers provide regular feedback in the form of reviews or performance surveys from the parents so that the nanny can learn and improve.

**Consider additional benefits.** The INA recommends that Placement Agencies who employ their caregivers offer additional benefits to their nanny including paid time off depending on a number of hours worked. It is recommended that Placement Agencies who employ their caregivers refer to local laws regarding required paid time off.