



DEPARTMENT OF THE ARMY HEADQUARTERS,  
UNITED STATES ARMY GARRISON BLDG 237, B  
AVE, P.O. Box 105021  
FORT IRWIN, CA 92310-5000

IMNT-ZA

20 January 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center,  
Policy Letter #11, Nannies Employed on the Installation

1. PURPOSE: To foster an environment where the well-being and safety of children receiving childcare by any person designated as a nanny is paramount. Arrangements made to enable live-in boyfriends or girlfriends to reside in family housing is contrary to the stated purpose of Army family housing and therefore parents must ensure that nannies have received the proper training and qualifications.

2. AUTHORITY:

a. USAG Policy #4 for approved exception to policy (ETP) for a non-dependent to reside in Family housing

b. USAG SOP for processing ETPs

c. American Council of Nanny Schools, [www.americancouncilofnannyschools.com](http://www.americancouncilofnannyschools.com)

d. [www.nannyanswers.com/topics.htm](http://www.nannyanswers.com/topics.htm)

3. PROCEDURES:

a. Prospective Nanny will apply for a commercial solicitation permit through Family and MWR, Financial Management, Bldg. 1317.

b. Required training will be conducted by FCC at no cost.

c. FMWR Financial Management Staff will verify that all additional requirements have been met, maintain a file with corroboration of compliance and issue a letter for the Garrison Commander's approval.

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4. RESPONSIBILITIES:

a. PARENT:

1) Apply for an approved exception to policy through the Housing Office for the nanny to reside in the home. Approval of an exception to policy to have a nanny live post housing is contingent upon the individual making the request agreeing to consent to no notice inspections, including inspection of the living quarters of the house, to ensure that the nanny has his/her own quarters as well as consenting to inspect all documentation required to establish that the nanny meets the conditions to be a nanny.

2) Ensure the nanny has background clearances.

3) Verify eligibility to work in the United States. This can be done through viewing her passport or some combination of documents such as her Social Security card, driver's license, birth certificate, passport, green card or work permit. If she doesn't have any of these documents, she isn't supposed to be employed in this country.

4) Negotiate a contract for services approved by MWR. The contract should state income to be paid and services to be rendered. The Parent is responsible for paying Social Security and Medicare taxes for the nanny. A sample contract is enclosed at Appendix A as a guide but should not be considered authoritative and comprehensive. U.S. Army Garrison, Fort Irwin and Fort Irwin do not warrant that the sample contract covers all of the legal requirements for either State or Federal purposes and it is only provided as a suggestion, which parties will have to consult their own private legal counsel as to the validity of the contract.

5) Apply for an approved exception to policy through the Housing Office for the nanny to reside in the home. Approval of an exception to policy to have a nanny live post housing is contingent upon the individual making the request agreeing to consent to no notice inspections, including inspection of the living quarters of the house, to ensure that the nanny has his/her own quarters as well as consenting to inspect all documentation required to establish that the nanny meets the conditions to be a nanny.

6) Ensure the Nanny has background clearances.

7) Verify eligibility to work in the United States. This can be done through viewing her passport or some combination of documents such as her Social Security card, driver's license, birth certificate, passport, green card or work permit. If she doesn't have any of these documents, she isn't supposed to be employed in this country.

8) Apply for an approved exception to policy through the Housing Office for the nanny to reside in the home. Approval of an exception to policy to have a nanny live post housing is contingent upon the individual making the request agreeing to consent to no notice inspections, including inspection of the living quarters of the house, to ensure that the nanny has his/her own

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quarters as well as consenting to inspect all documentation required to establish that the nanny meets the conditions to be a nanny.

9) Ensure the nanny has background clearances.

10) Verify eligibility to work in the United States. This can be done through viewing her passport or some combination of documents such as her Social Security card, driver's license, birth certificate, passport, green card or work permit. If she doesn't have any of these documents, she isn't supposed to be employed in this country.

11) Negotiate a contract for services approved by MWR. The contract should state income to be paid and services to be rendered. The Parent is responsible for paying Social Security and Medicare taxes for the nanny. Sample contract is at Appendix A.

b. NANNY:

1) Education and Training: Requirements range from a high school diploma, a national Child Development Associate (CDA) credential to community college courses or a college degree in early childhood education.

2) Within 6 weeks of being allowed/authorized to provide Nanny services or as soon as the next FCC Certification classes are available, show proof of taking the following classes:

- a) Child & Infant Cardiopulmonary Resuscitation (CPR) and First Aid training including training in Sudden Infant Death Syndrome (SIDS), and Shaken Baby
- b) Early Childhood Education: Birth to Adolescence
- c) Early Childhood Education: Curriculum Planning
- d) Medication/Communicable Diseases/ Blood Borne Pathogens
- e) Positive Behavior
- f) Special Needs (if applicable)
- g) First Aid/Earthquake/Safety Training
- h) Nutrition
- i) Child Abuse Reporting and Identification

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- 3) Provide copies of background clearances.
  - 4) Have medical insurance.
  - 5) If the nanny is going to drive on Post, she must possess a valid driver's license and auto insurance.
  - 6) Sign a contract with a parent stating wages, hours of employment, personal/sick days, tax information, etc.
- c. Family Housing:
- 1) Ensure the military sponsor has applied for an Exception to Policy (ETP) approval according to the guidelines of USAG Policy #4 for a non-dependent to reside in Family housing.
  - 2) Process the Exception to Policy according to the USAG SOP.
5. Ensure the Family housing unit has the appropriate space for the nanny if residing in the home of the Sponsor or process exception to policy according to USAG Policy.
6. The proponent for this policy is the Family and Morale, Welfare and Recreation Financial Management Division at 760-380-3348, or Family Child Care program at 760- 380-3502.

  
G. SCOTT TAYLOR  
COL, AR  
COMMANDING

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**APPENDIX A: Sample Nanny Contract**

This contract, executed on \_\_\_\_\_ DATE \_\_\_\_\_, between  
\_\_\_\_\_ EMPLOYER \_\_\_\_\_ and  
\_\_\_\_\_ EMPLOYEE \_\_\_\_\_, has the following terms of employment:

**1. START DATE**

Employee will start employment on \_\_\_\_\_ DATE \_\_\_\_\_ and continue until either party elects to terminate the relationship with 30 days notice.

**2. WORKSITE ADDRESS**

Work will be performed at \_\_\_\_\_

**3. WORK SCHEDULE**

The following represents a typical schedule. Employer will limit fluctuations as much as possible and provide as much notice as possible.

- Sat	Daily Hours am/pm	Begin: am/pm	End:
- Sun	Daily Hours am/pm	Begin: am/pm	End:
- Mon	Daily Hours am/pm	Begin: am/pm	End:
- Tue	Daily Hours am/pm	Begin: am/pm	End:
- Wed	Daily Hours am/pm	Begin: am/pm	End:
- Thurs	Begin: am/pm	End: am/pm	Daily Hours
- Fri	Daily Hours am/pm	Begin: am/pm	End:

Total Weekly Hours \_\_\_\_\_

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#### 4. JOB RESPONSIBILITIES

Dependent Care. The name and date of birth (DOB) of each dependent is listed below.

_____ NAME _____	DOB
_____ NAME _____	DOB
_____ NAME _____	DOB

A specific list of tasks, timelines and instructions are attached in the Nanny Rules and Daily Schedule.

#### 5. COMPENSATION

Regular rate of pay = \$\_\_\_\_\_per hour

+ Overtime rate of pay = \$\_\_\_\_\_per hour (for more than 40 hours in a week)

Total compensation = \$\_\_\_\_\_per week

Wages will be paid: Weekly (Every Friday)

Bi-Weekly (Every Other Friday or 26 times per year)

***Fair Labor Standards Act Notes:*** With very few exceptions, domestic employees are classified as "non-exempt" (protected) workers, which entitles them to pay for every hour they work at a rate that may not be less than the federal, state and, if applicable, local minimum wage rate. Additionally, overtime (time-and-a-half) must be paid for each hour over 40 in a 7-day workweek.

#### 6. MILEAGE AND GENERAL EXPENSES

Any miles driven while on the job using the employee's car will be reimbursed at the IRS Mileage Reimbursement Rate, which covers the cost of gasoline as well as general wear and tear on the car. Employee will maintain a mileage log and submit to employer for reimbursement at the end of the pay period. All other pre-approved, work-related expenses will be reimbursed at cost. Employee will keep all receipts and submit to employer for reimbursement at the end of the pay period.

#### TAX-ADVANTAGED BENEFITS

In addition to the wages stated above, employer will contribute to the following employee expenses. These amounts are considered "non-taxable" compensation (up to

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the limits noted below), meaning neither employer nor employee will pay any taxes on this portion of the compensation (check any that apply):

Health insurance at \$ \_\_\_\_\_ per month

Public transportation at \$ \_\_\_\_\_ per month (up to \$245\*/month)

Parking at \$ \_\_\_\_\_ per month (up to \$245\*/month)

College tuition at \$ \_\_\_\_\_ per month (up to \$5,250\* per year)

Mobile phone service at \$ \_\_\_\_\_ per month

7. **Tax-Advantaged Benefits Notes:** Families are generally not required by law to provide these benefits. They are additional perks that can be discussed between the family and nanny.

#### 8. PAID TIME OFF

Employee will receive the following paid time off:

- Family Sick Leave ( \_\_\_\_\_ hours per year). \_\_\_ week(s) notice is requested for any appointments, etc. which may cause the employee to miss work.
- Vacation ( \_\_\_\_\_ hours per year). Employee will provide vacation request at least \_\_\_ week(s) in advance. (See Nanny Rules for how this vacation will be determined)

**Paid Time Off Notes:** Families are generally not required by law to provide paid time off. However, there are exceptions in some areas, such as:

- o California, require employers who offer paid vacation to allow unused accrued hours to carryover from one year to the next.

#### 9. HOLIDAYS

Employer will provide the following **PAID** Holidays (check any that apply):

\_\_\_ New Year's Day

\_\_\_ Martin Luther King, Jr.'s Birthday

\_\_\_ President's Day

\_\_\_ Memorial Day

\_\_\_ July 4th

\_\_\_ Labor Day

\_\_\_ Thanksgiving Day

\_\_\_ Christmas Day

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Employer will also provide the following **UNPAID** holidays (check any that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> New Year's Day   | <input type="checkbox"/> Martin Luther King, Jr.'s Birthday |
| <input type="checkbox"/> President's Day  | <input type="checkbox"/> Memorial Day                       |
| <input type="checkbox"/> July 4th         | <input type="checkbox"/> Labor Day                          |
| <input type="checkbox"/> Thanksgiving Day | <input type="checkbox"/> Christmas Day                      |

**Holiday Pay Note:** Families are not required by law to provide paid holidays.

#### 10. TAX WITHHOLDING/REPORTING

Employee will complete Form 1-9 (available at [www.uscis.gov/forms](http://www.uscis.gov/forms)) and provide the required documentation verifying employment eligibility within three days of hiring. Employer will withhold the required Social Security and Medicare taxes from the employee's pay, along with income taxes per the employee's instructions on Form W-4 and all other applicable state taxes.

All tax withholdings will be remitted to the state and federal tax agencies on or before the household employment tax deadlines. In addition, employer will match the employee's Social Security and Medicare contributions and make contributions to the state and federal unemployment insurance funds on behalf of the employee.

Employer will provide employee with Form W-2 (available at [www.irs.gov/Forms-&-Pubs](http://www.irs.gov/Forms-&-Pubs)) at the end of the year (by January 31).

Employer will report employee's earnings to the Social Security Administration so that employee receives appropriate retirement benefits.

#### 11. CONFIDENTIALITY

Employee understands that any and all private information obtained about the employers or their dependents during the course of employment, including but not limited to medical, financial, legal, and career, are strictly confidential and may not be disclosed to any third party for any reason.

#### 12. GROUNDS FOR TERMINATION

The following are grounds for immediate termination:

- o Allowing the safety of the dependent(s) to be compromised
- o Inconsistent or non-performance of agreed-upon job responsibilities
- o Concerning issues in background checks
- o Dishonesty
- o Stealing

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- o Misuse of family automobile
  - o Breach of confidentiality clause
  - o Persistent absenteeism or tardiness
  - o Unapproved guests
  - o Smoking or consumption of alcohol while on duty
  - o Use of an illegal drug
  - o Overuse of cell phone while on duty or while driving
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### 13. Social Media Policy

Employee understands that no information about his/her location, plans for the day, or pictures of the children should be shared on any social media network. Employee will also not tell strangers to the family (i.e. nanny's friends) where she is spending the day, unless the family has authorized.

### 14. Raises and Reviews

Upon the first 90-days, the Employee will have an initial review with the family to check-in and gauge how relationship is going.

After \_\_\_ year(s), the Employee is eligible for a raise of \$\_\_ or \_\_%. This will be based on

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**15. Raises and Reviews Notes:** Families are not required to give nannies annual raises, but it is a common practice. Start with the rate of inflation (check the Bureau of Labor Statistics website for the Consumer Price Index, [www.bls.gov/cpi/](http://www.bls.gov/cpi/)) and then add between two and five percentage points based on performance.

**a. Employer hereby agrees to be fully bound by the terms of this contract.**

Employer Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**b. Employee hereby agrees to be fully bound by the terms of this contract.**

Employee Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_