

PRIVATE HIRE CAREGIVER/DOMESTIC EMPLOYEE AGREEMENT

The following agreement/contract is intended to assure that the terms of employment are clear (including vacation days, taxes, payments, and schedules).

This Agreement, executed on _____,
between (Family) _____
and (Caregiver/Companion) _____,
has the following terms of employment:

1. START DATE

Employee will start employment on _____ and continue until either party elects to terminate the relationship.

2. WORKSITE ADDRESS

Work will be performed at _____.

3. WORK SCHEDULE

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

SAT	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
SUN	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
MON	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
TUE	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
WED	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
THURS	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____
FRI	Begin: _____ am/pm	End: _____ am/pm	Daily Hours _____

Total Weekly Hours _____

4. JOB RESPONSIBILITIES

The name and date of birth (DOB) of each person needing caregiver assistance is listed below.

NAME: _____ DOB: _____

NAME: _____ DOB: _____

Here are some of the things you will be responsible for during this job:

	YES	NO		YES	NO
Medications			General Duties		
Medication prompting	_____	_____	Clean tub, toilet, sink	_____	_____
Bedroom			Care for pets	_____	_____
Help with transfers (getting in and out of bed)	_____	_____	Empty trash in kitchen, bathrooms and bedroom	_____	_____
Change bed sheets	_____	_____	Sort recycling items	_____	_____
Straighten room, make bed	_____	_____	Secure home when leaving	_____	_____
Personal Care			General/thorough house cleaning	_____	_____
Assist with transfers (going from chair to bed, using the toilet, getting in and out of the bath, etc.)	_____	_____	Wash, dry, fold and put away laundry	_____	_____
Assist with bathing	_____	_____	Water plants	_____	_____
Assist with toileting	_____	_____	Vacuum carpets and floors or sweep hard floors	_____	_____
Assist with dressing	_____	_____	Shovel or de-ice steps	_____	_____
Assist with walking	_____	_____	Garden maintenance	_____	_____
Assist with exercises	_____	_____	Keep home surfaces clean, clutter-free and dusted	_____	_____
Assist with shaving	_____	_____	Grocery Shopping, Errands and Activities		
Assist with personal grooming (brushing hair or teeth, clipping fingernails or toenails)	_____	_____	Errands may include stops at the grocery store, drug store or gas station to purchase food and supplies	_____	_____
Observe and record any health or behavior changes	_____	_____	Put items away in the home	_____	_____
Meals and Nutrition			Transportation		
Plan ____ meals and ____ snacks a day	_____	_____	Arrange for alternate transportation (like a senior van) or public transportation	_____	_____
Prepare food	_____	_____	Medical or dental appointments	_____	_____
Serve food	_____	_____	Beauty or personal care appointments	_____	_____
Provide company at mealtime	_____	_____	Social visits to family and friends	_____	_____
Assist with feeding	_____	_____	Faith-based visits	_____	_____
Clean dishes or put in dishwasher	_____	_____	Social Pursuits		
Put away clean, dry dishes	_____	_____	Going on walks or sitting outside	_____	_____
Wipe surfaces of counters and stove	_____	_____	Reading out loud	_____	_____
Activity of daily living	_____	_____	Playing games (board, card, etc.)	_____	_____
			General companionship and conversation	_____	_____

5. **COMPENSATION**

Regular rate of pay = \$ _____ per hour

+ Overtime rate of pay (regular pay x 1.5) = \$ _____ per hour (for more than 40 hours in a week)

Total compensation = \$ _____ per week

WAGES WILL BE PAID: Weekly, every (check one) ___M ___T ___W ___TH ___FR ___S ___SU

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. This includes live-in employees in NY, NJ.

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. The 2018 IRS mileage reimbursement rate is 54.5 cents per mile.

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.

6. **PAID TIME OFF**

Employee will receive the following paid time off as per the NYS publication, Labor Rights and Protections for Domestic Workers:

VACATION (_____ hours per year). Employee will provide vacation request at least _____ week(s) in advance.

Among other provisions, this law gives domestic workers:

- The right to overtime pay at time-and-a-half after 40 hours of work in a week, or 44 hours for workers who live in their employer's home;
- A day of rest (24 hours) every seven days, or overtime pay if they agree to work on that day;
- Three paid days of rest each year after one year of work for the same employer; and
- Protection under New York State Human Rights Law, and the creation of a special cause of action for domestic workers who suffer sexual or racial harassment.

Paid Time Off Notes: People who employ adult and senior care are generally not required by law to provide paid time off. However, there are exceptions in some areas, such as:

- *The state of New York requires employers to provide 3 days of paid time off after one year of service.*
- *New York City requires employers to provide 2 days of paid sick time after one year of service.*

Please reference your local and state law to ensure compliance.

7. **HOLIDAYS**

Employer will provide the following Holidays, if worked, paid at time and a half. (**Holiday Pay Note:** Families are not required by law to provide paid holidays.) (Check any that apply):

- ___ New Year's Day
- ___ Easter
- ___ Memorial Day
- ___ July 4th
- ___ Labor Day

- ___ Thanksgiving Day
- ___ Christmas Day
- ___ Other _____
- ___ Other _____
- ___ Other _____

8. TAX WITHHOLDING/REPORTING

Employee will complete Form I-9 (available at <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 <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.

9. WORKERS COMP AND DISABILITY

Employer will provide workers compensation and disability insurance as mandated by NYS when a home caregiver starts working over 40 hours a week.

10. 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.

11. 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 Stealing
- o Dishonesty
- o Misuse of family property/automobile
- o Breach of confidentiality
- 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
- o Negotiating terms of employment with senior directly
- o Failing to report any additional monies or gifts given to caregiver by senior
- o _____
- o _____

12. SOCIAL MEDIA POLICY

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

13. 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 _____ months OR _____ year(s), the Employee is eligible for a raise of \$ _____ or _____%.

This will be based on _____

Raises and Reviews Notes: Employers are not required to give caregivers 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/) and then add between two and five percentage points based on performance.

EMPLOYER hereby agrees to be fully bound by the terms of this contract.

Employer Signature: _____

Printed Name: _____ Date: _____

EMPLOYEE hereby agrees to be fully bound by the terms of this contract.

Employee Signature: _____

Printed Name: _____ Date: _____

Helpful links:

<https://labor.ny.gov/legal/domestic-workers-bill-of-rights.shtm>

<https://labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-employers.pdf>

<https://labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-domestic-workers.pdf>

<https://labor.ny.gov/legal/laws/pdf/domestic-workers/facts-for-domestic-workers.pdfwww.irs.gov/pub/irs-pdf/p926.pdf>