

## CONTRACT REQUIREMENT

The contract must be in both English and a language understood by the applicant. It must be signed by both the applicant and the employer and contain the following provisions:

**(1) Description of Duties.**

- The contract **must describe the work to be performed**, e.g., housekeeping, gardening, child care, and
- must also include a statement that the domestic employee shall work only for the employer who signed the contract.**

**(2) Hours of Work.** The contract must

- state the time of the normal working hours and the number of hours per week.** It is **generally expected that domestic workers will be required to work 35-40 hours per week.**
- state that the domestic employee **will be provided a minimum of one full day off each week.**
- indicate the number of paid holidays, sick days and vacation days** the domestic employee will be provided.

**(3) Minimum Wage.**

- The contract **must state the hourly wage** to be paid the domestic employee. The rate must be **the greater of the minimum wage under U.S. Federal and state law or the prevailing wage** for all working hours.
- The contract must state that wages will be paid to the domestic employee either **weekly or biweekly and state also what deductions are to be taken from the wages.**
- If any deduction is taken for **meals or lodging**, it **must be documented and not in excess of an amount** that you determine to be **reasonable (no more than 20% of wages for a minimum of three daily meal).**

**(4) Overtime Work.** The contract must state that

- any hours worked in excess** of the normal number of hours worked per week **are considered overtime hours**, and that hours in which the employee is “on call” count as work hours. It must also state that **such work must be paid as required by U.S. local laws.**

**NOTE:** Under Federal law, **the rate of overtime pay need not exceed the regular hourly rate if the employee resides in the home of the employer**, but state law governing overtime rate also applies and must be checked. **If the employee does not reside with the employer, overtime for hours in excess of 40 hours per week must be paid at the rate of time and a half.**

**(5) Payment.** The contract must state that

- after the first 90 days of employment, all wage payments must be made by check or by electronic transfer to the domestic worker’s bank account.**
- Neither Mission members nor their family members should have access** to domestic worker bank accounts.

**(6) Transportation to and from the United States.** The contract must state

- that the domestic employee will **be provided with transportation to and from the US.**

**(7) Other Required Terms of Employment.** The contract must

- state that the **employer agrees to abide by all Federal, state and local laws** in the United States.
- include a statement that the **domestic worker’s passport and visa will be in the sole possession of the domestic worker.**
- In addition, the contract must state that **a copy of the contract and other personal property of the domestic employee will not be withheld** by the diplomatic or consular employer for any reason.

**(8) Other Recommended Terms of Employment.** The contract

- Must include a statement that **the domestic worker’s presence in the employer’s residence will not be required except during working hours.**
- May include other agreed-upon terms of employment, if any, provided they are fully consistent with all U.S. Federal, state and local laws.
- A statement that any modification to the contract must be in writing.**