

Policy Title: Out-of-State Work Policy

Policy Summary: Process for Securing Approval for Out-of-State Work Arrangements

Policy Category: Human Resources

Policy Owner: Human Resources

Policy Summary

The policy sets forth the process for securing approval of out-of-state work arrangements for prospective hires and existing employees.

Purpose

Drake University strives to be a valuable community partner and prioritizes applicants who live in, are willing to relocate to, and actively contribute to our community and our state.

Drake University recognizes the occasional need to hire or reassign an employee who will, due to the nature of a particular position or needs of the University, reside and perform University work outside of the state of Iowa (whether in another state or in another country). Such out of state work assignments may require, among other things, additional steps to maintain legal compliance, additional insurance obligations, additional payroll requirements, and costs, the University must determine in advance whether having an employee's temporary or principal work location outside of Iowa serves a compelling business need and is appropriate, given additional administrative work, costs, and legal compliance demands.

Scope

This policy applies to situations where there is a compelling business rationale to consider requests from: (a) job applicants who are requesting or may be required to work outside of the state of Iowa; and (b) any existing part-time or full-time faculty and staff who may request or be required to work outside of the state of Iowa for twenty-one (21) calendar days or longer.

Policy

Review and approval of requests for out-of-state work arrangements will require consideration of business and operational necessity, availability of in-state talent to fill the role, whether Drake is already authorized to conduct business in the state or country, whether the employment arrangement is long- or short-term, and the complexity or cost of complying with state or country specific regulations.

Prospective Out-of-State New Hires

Departments interested in extending an offer of employment to an employee who will work outside the state of Iowa must initiate this process and receive approval *prior to* making a formal offer of employment.

The review of such requests may be conducted relatively quickly depending on the state. However, if Drake University is not registered to conduct business in the state at issue, the registration process could take substantial time. Consequently, *as soon as* the hiring department concludes there is a possibility that their top candidate may request or require an out-of-state work location, they must complete the [Out-of-State Work Request Form](#).

Note: if the request is approved but Drake University is not already registered in the state or country at issue, an offer of employment may need to be contingent upon Drake's successful registration to conduct business in the location.

Requests from Existing Employees

Departments interested in permanently or temporarily reassigning an existing employee to work out-of-state or in another country do not have authority to approve such work assignments or requests. The department must submit requests using the [Out-of-State Work Request Form](#) and obtain approval via this process *prior to* any out-of-state work being conducted.

Additional approval may be necessary to comply with the Customized Work Arrangement policy through the manager's chain of supervision. To comply with this policy, the written request must explain the reasons and business necessity for hiring or assigning an employee to work outside of Iowa. The physical address of where the work is being performed must be provided. Any changes to the physical location of the work must be reported and requested via a new [Out-of-State Work Request Form](#) prior to the change taking effect.

Timelines

Whether related to prospective or existing employees, requests may take substantial time:

- For employees who will work or reside outside of Iowa but within the U.S., including for employees who currently have an out-of-state work arrangement, but will be moving to a different state and are requesting to continue the out-of-state work arrangement in the new state, requests must be submitted no later than sixty (60) calendar days prior to the start date of out-of-state employment.
- For employees who will work or reside in a country outside of the U.S., requests must be submitted no later than one hundred and twenty (120) calendar days prior to the start date of out-of-state employment.

These deadlines are necessary to ensure that the University is compliant with the related laws and regulatory requirements of the other state or country.

Analysis and Decision-making

Decisions regarding whether to grant a request for out-of-state work will be made by the Chief Financial Officer and the Chief Administration Officer, or their designees.

Associated Fees

Where out-of-state employment is approved, departments may be assessed a fee by the University to cover additional filing fees, administrative costs, unemployment insurance awards, etc., incurred by the University for each out-of-state resident employed by their respective department. Departments will be notified of known fee amounts (some costs, such as an unemployment insurance award, may not be known upfront), if any, as part of the review and approval process described above. If the costs cannot be supported by the department, the request may be rescinded prior to those costs being incurred.

Compliance

Employees working out-of-state must certify that they are living and working in a state or country outside of Iowa and submit all appropriate state tax withholding forms to Human Resources. It is the responsibility of the employee and the managing department to notify Human Resources of any international or interstate changes to an employee's out-of-state location.

Failure to notify the University within the above-timelines may result in financial or legal penalties to the University, a delayed start date for the employee, and/or a denial of the request.

As with any policy, violations can result in disciplinary action.

Last Review Date: April 2022

Effective Date: February 2021