**OUT-OF-STATE WORK REQUEST**

**PROCEDURE & FORM**

University of Maryland, Baltimore employees are expected to live and work in the state of Maryland. However, it is recognized that there may be an occasional need to hire or reassign an employee, who, due to the nature of their position or the business need of the university, to reside and perform their university work outside of the State of Maryland.

The hiring or assignment of employees to positions outside Maryland must be supported by an important university business purpose and not be merely due to the personal preference of employee. Requests for approval of work outside of Maryland must be consistent with UMB VII-6.11(B) – Policy on Out-of-State Work (the “Policy”). **Additional costs incurred because of out-of-state work will be at the expense of the school or administrative unit making the request.**

Due to these complexities and risks, employees should not work from another state or country solely for their own convenience.

**NOTE**: Absent extraordinary circumstances (e.g., out-of-state sabbatical), out of state work requests will **NOT** be approved for work in **CA, HI, MA, ND, NJ, NY, OH, OR, WA, WY**, any location that UMB has determined would present significant compliance issues, or in any location outside of the United States.

**PROCEDURE**

1. The School/Unit is responsible for obtaining and submitting, in advance of the start of work by an employee or appointee outside of Maryland, a completed Out-of-State Work Request Form with all required signatures and supporting documentation, to Human Resources. The School/Unit is also responsible for notifying Human Resources when an employee has returned to work in Maryland.
2. The School/Unit HR representative may coordinate with the supervisor/department chair to complete the Out-Of-State Work Request Form.
3. The proposing unit is responsible for meeting with the necessary school/unit leaders to review the materials, analyze the potential risks, develop risk mitigation strategies, and to obtain the necessary support and signature approvals from the Dean or unit VP, followed by submission of the completed request form and supporting documents to the central HR Compensation Manager.

As applicable, the School/Unit should contact the following offices for guidance and advice:

* SPA, Risk Management, Office of University Counsel for risk and compliance related considerations.
* Central HR Compensation manager for unemployment and other insurance, compensatory benefits, workers compensation, and potential liability issues.

1. Once the School/Unit decides to proceed with the request, the central HR Compensation Manager will review the form and supporting documents. As applicable, the Central HR Compensation Manager will make necessary verifications; discuss the details of the request with the Office of University Counsel, Risk Management, and/or Finance to review and assess risks, liability, financial implications; and make a recommendation of whether the request should be approved with or without conditions.
2. The central HR Compensation Manager will obtain an approval/denial and signature from the Provost and Vice President of Administration and Finance and will return the form to the school/unit HR representative and advise the school/unit HR representative that the request was approved, denied, or approved with conditions.
3. If the out-of-state work arrangement is approved, the Department is responsible for meeting any conditions of approval and ensuring required employee acknowledgements before out-of-state work can begin (e.g., contingent status agreement, Out of State Telework agreement, EOR acknowledgement).

**NOTE**: As a broad area of financial management and staffing, final approval and arrangements for remote work outside Maryland are at the discretion of management and are not grievable. (See, UMB VII-6.11(A) – Policy on Telework, UMB II-4.00(A) – Faculty Grievance Policy and Procedure, and UMB VII-8.00(A) – Guidelines and Procedures on Grievances for Exempt and Nonexempt Staff Employees.)

**INSTRUCTIONS**

**WHEN TO USE THIS FORM:**

This form is required for any employee (Staff or Faculty) who is requested by their unit or who personally requests to work exclusively from a state other than Maryland. This form is also required for any Faculty employee who regularly works in Maryland and requests to telework part-time from a state other than Maryland or the contiguous states.

**NOTE**: Full-time telework from a state other than Maryland cannot be authorized for Staff except where the position itself is required or authorized to be performed out of state (e.g., Sections V(A)(1) and (2)) or where the full-time telework is temporary (e.g., Section (V)(C)(1)).

After completing Part 1, please determine which **one** of the following parts applies pursuant to the Policy Sections (noted in parentheses) and complete accordingly:

* **Part 2**: Requests for a current employee relocating out of state for personal reasons (will not be approved for longer than 12 months). (Section (V)(C)(1)).
* **Part 3**: Requests where the employee’s position duties are required to be performed out of state (e.g., field research). (Section (V)(A)(A)).
* **Part 4**: Requests for out of state adjunct faculty member teaching specialized course remotely. (Section (V)(A)(2)).
* **Part 5**: Requests where position is operationally critical and requires a highly specialized body of knowledge for which UMB has experienced retention and recruitment problems (Section (V)(A)(2)).
* **Part 6**: Requests for Faculty Regularly working in Maryland while Teleworking Part-Time (no more than the equivalent of two days per week) from an Out of State Location that is not contiguous to Maryland.(Section (V)(B)(2)).

**WHEN NOT TO USE THIS FORM:**

This is form should not be used for:

* **Employees who regularly work in the State of Maryland and would like to request to telework** from the District of Columbia or one of the states that are contiguous to Maryland: Delaware, Pennsylvania, Virginia, and West Virginia. Approval of telework from one of those states or DC is conditioned upon UMB’s continued ability to meet employment law expectations of DC or the state.
  + Staff: These arrangements must be documented in an approved Telework Agreement and are subject to all other conditions of UMB’s Policy on Telework. (Section (V)(B)(1)(a)).
  + Faculty: these arrangements must be consistent with workload expectations and any faculty policies or procedures imposed by the faculty member’s school and approved by the Dean with notice to the Provost. (Section (V)(B)(1)(b)).
* **Faculty who regularly work in the State of Maryland and would like to request to work from out of state on a temporary basis** for reasons that benefit UMB (i.e., summer research, out of state sabbatical, Fulbright Scholar Program):
  + Up to 90 Days: The Dean may approve the request directly for up to 90 days. Approvals should be reported to the Provost. (Section (V)(D)(1)).
  + More than 90 Days: The Provost in consultation with the Vice President of Administration and Finance may approve the request for up to 12 months if the temporary relocation *clearly benefits* UMB (e.g., out-of-state sabbatical) and has the recommendation of the Dean. (Section (V)(D)(2)).
* **New Hires working out of state on a temporary, transitional basis**. If as part of recruitment package, a selected candidate (faculty or staff) requests to work out of state on a temporary, transitional basis (e.g., 3-4 months) before they fully relocate to Maryland, then the request should be directed to the selected candidate’s Dean or VP. The approved timeline for relocation to Maryland must be stated as a condition of employment in the employee’s offer letter. Template language will be provided by Human Resources.

**PART ONE: Employee Information**

1. Employee Name (leave blank if not known):
2. Job Title of Position Proposed to Work Out of State:
3. Employee ID (if applicable):
4. Department Code:
5. Department Name:
6. Supervisor Name and Title:
7. Name and Position of Person filling out form (if not Supervisor):
8. Out of State Work Address:
9. Out of State Work Phone:
10. Anticipated Start Date of Out of State Work:
11. Estimated length of out of state work assignment/end date:
12. Is employee the direct supervisor of any other UMB employee working in Maryland, if so provide name and title of subordinate(s):
13. Will the position provide direct supervision to an employee in a different state? If yes, identify how the role will be modified to not provide direct supervision or be direct supervisor to other UMB employees.
14. Reason for Request: Choose an item.

* Current employee relocating out of state for personal reasons – Go to Part 2. (Section (V)(C)(1)).
* Position duties are required to be performed out of state – Go to Part 3. (Section (V)(A)(1)).
* Out of state adjunct faculty member teaching specialized course remotely – Go to Part 4. (Section (V)(A)(2)).
* Although position could be performed in Maryland, it is operationally critical and requires a highly specialized body of knowledge for which UMB has experienced retention and recruitment problems – Go to Part 5. (Section (V)(A)(2)).
* Faculty regularly working in Maryland with part-time telework (no more than equivalent of 2 days per week) in a state that is not contiguous to Maryland – Go to Part 6. (Section (V)(B)(2)).

1. Do the employee’s duties require licensure? If yes, identify whether the licensure is granted by the State of Maryland and describe whether there are any limitations on the employee’s performance of these duties from a state other than Maryland.

**PART TWO: Current Employee Relocating Out of State for Personal Reasons (will not be approved for longer than 12 months)**

1. Describe how retaining the employee on a temporary basis is critical to the continuity of important UMB functions:

1. Explain the recruitment efforts and activities, with timeline, that the Department intends to take to actively recruit a replacement:

1. Describe how the employee can effectively perform their job duties remotely (e.g., does the employee have an existing Telework Agreement and track record of successful remote work). (*A copy of the employee’s proposed Telework Agreement must be submitted with this form)*:

1. Has the Department prepared a proposed contingent status employment agreement to be executed upon approval of this Out of State Work request? (*A copy of the proposed contingent status agreement must be submitted with this form*.)

Y  /N

**PART TWO - FOR DEAN/VP REVIEW AND APPROVAL:**

Subject to final approval from HR, I have reviewed this request and affirm that it the work of this employee can be performed remotely without unbudgeted expense to the administrative unit or school and have determined that retaining the employee on a temporary basis is critical to the continuity of important UMB functions while the department actively seeks a replacement.

I understand that due to the legal and financial risks and uncertainties related to employment of out of state workers, the department will become responsible for any expenses associated with additional risks and burdens. This may include engagement of outside legal counsel, expenses associated with statutory and regulatory compliance, and/or the cost of utilizing an Employer of Record.

Name:       Date:

Title:

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

**PART TWO - FOR HR USE ONLY:**

Is the employee Exempt?

Y  /N

Does UMB have workers’ compensation insurance coverage?

Y  /N

Does the proposed worksite require UMB to offer statutory benefits that are not already provided by the State of Maryland employee benefit plans available to University System of Maryland employees?

Y  /N

Does the relocating employee provide supervision to staff located in Maryland?

Y  /N

Have copies of the proposed Telework Agreement and contingent status employment agreements been included?

Y  /N

Does the proposal trigger any of the conditions for denial set forth in Section VIII of the UMB Policy on Out of State Work?

Y  /N

HR Review and Outcome:

Approved

Not approved

Name:       Date:

Title:

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

**PART THREE: Position Duties are Required to be Performed Out of State (e.g., field research)**

Departments are required to prepare and present a comprehensive proposal describing the financial costs, benefits, and operational details justifying the out of state activities and the need for employees to work out of state. The expectation is that the Department will consult with appropriate offices (e.g., SPA, Risk Management, Office of University Counsel) to identify and examine potential risks and applicable policies. At minimum, the following information must be provided.

1. What are the employee’s duties that are to be performed out of state and the reason they cannot be performed in Maryland (e.g., grant funded field research in another state).

1. What are the financial costs associated with the proposal?

1. What are the benefits to the University for engaging in these out of state activities?

1. Are any portion of the employee’s duties capable of being performed in Maryland?

Y  /N

If yes, please describe and estimate the percentage of effort of duties that are required to be performed out of state.

1. Does the proposal require multiple employees working out of state?

1. If the out-of-state duties are supported by external funding, please identify the source of funds for the UMB Sponsored Research or Service.

1. How long do you anticipate the out of state work arrangement will last and describe any conditions that might shorten or lengthen the arrangement?

1. Describe efforts to identify risks for the specific activities proposed (e.g., consultation with SPA, Risk Management, Office of University Counsel) and mitigation measures that will be implemented?

**PART THREE - FOR DEAN/VP REVIEW AND APPROVAL:**

Subject to final approval from the VPAF and the Provost (for faculty positions), I have reviewed this proposal and affirm that this request is consistent with UMB’s Out of State Work Policy because the activities cannot be performed in Maryland. I have carefully reviewed the relevant costs and benefits to my School/Unit and have determined that risks associated with this proposal can be justified based on the benefits it provides to the University.

I understand that due to the legal and financial risks and uncertainties related to employment of out of state workers, the department will become responsible for any expenses associated with additional risks and burdens. This may include engagement of outside legal counsel, expenses associated with statutory and regulatory compliance, and/or the cost of utilizing an Employer of Record.

Name:       Date:

Title:

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

**PART THREE - FOR HR USE ONLY:**

Does the proposal require faculty or staff to regularly work out of state as a condition of employment as set forth in Section V.A.1. of UMB’s Out of State Work Policy?

Y  /N

Has University Counsel been consulted on the proposal?

Y  /N

Has the Office of Risk Management been consulted?

Y  /N

Does the proposal trigger any of the conditions for denial set forth in Section VIII of the UMB Policy on Out of State Work?

Y  /N

Describe any additional or unique risks, costs, or considerations associated with the proposal that the VPAF (and Provost) should be aware of (e.g., if it is proposed to take place in a state in which UMB does not currently have Workers Compensation coverage or a state in which UMB has already decided not to operate).

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Describe any mitigation measures (conditional limitations or parameters) that HR recommends the VPAF (and Provost) to consider.

Examples of mitigation measures:

• Limit the duration of the approved out of state work (e.g., limited approval of 1 year)

• Place conditions on the specific job duties that may be performed out of state (e.g., approval limited to office work in approved home office or specific clinical site)

• Require the Department or Unit to set aside a specified amount of funding in the event of liability exposure caused by out of state work

• Requirements to use an EOR once approved

• Procure additional insurance coverage

HR Review Completed By:

Name:       Date:

Title:

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

**PART THREE - FOR VPAF/PROVOST USE ONLY:**

VPAF Review and Outcome:

Approved

Not approved

Approved with Conditions

Name:       Date:

Title:

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

Additional Provost Review and Outcome (for faculty positions):

Approved

Not approved

Approved with Conditions

Name:       Date:

Title:

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

**PART FOUR: Out of State Adjunct Teaching Specialized Course Remotely**

1. Identify the course name and/or subject matter to be taught by the adjunct faculty.

1. Describe the anticipated terms of the adjunct faculty member’s position (e.g., FTE, duration, frequency). *A copy of the adjunct faculty member’s contract must be submitted with this form)*:

**PART FOUR - FOR DEAN/VP REVIEW AND APPROVAL:**

I have reviewed this proposal and affirm that this request is consistent with UMB’s Out of State Work Policy.

I understand that due to the legal and financial risks and uncertainties related to employment of out of state workers, the department will become responsible for any expenses associated with additional risks and burdens. This may include engagement of outside legal counsel, expenses associated with statutory and regulatory compliance, and/or the cost of utilizing an Employer of Record.

Name:       Date:

Title:

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

**PART FOUR - FOR HR USE ONLY:**

Does the proposal trigger any of the conditions for denial set forth in Section VIII of the UMB Policy on Out of State Work?

Y  /N

HR Review and Outcome:

Approved ☐

Not approved ☐

Name:       Date:

Title:

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

**PART FIVE: Position is Operationally Critical and Requires a Highly Specialized Body of Knowledge for which UMB has Experienced Retention and Recruitment Problems**

Due to these complexities and risks associated with the hiring of employees to work outside the State of Maryland, requests must be supported by an important university business purpose and not be merely an accommodation or convenience to the employee.

At such time as the University procures the services of an Employer of Record (“EOR”), all employees whose positions have been approved for out-of-state work under this section will be separated from employment by UMB and transitioned to employment by the EOR which will provide different employee benefits and may include a loss of some privileges afforded to employees of UMB.

Departments are required to prepare and present a comprehensive proposal describing the financial costs, benefits, and operational details justifying the employment of an out of state worker to perform duties that could otherwise be performed in the State of Maryland. At minimum, the following information must be provided.

1. Describe how the position is operationally critical. Operationally critical means that the underlying mission or function of the unit cannot continue without significant disruption unless the position is filled or where the vacancy would cause a loss of federal or other sponsored research funds.

1. Identify the specialized body of knowledge (degrees or certifications) required of the position.

1. Describe the recruitment efforts and activities with timeline, the Department has taken to recruit an employee to perform this job from the State of Maryland.

1. Are any efforts made to incentivize selected applicants working in the State of Maryland (e.g., relocation assistance)? If yes, describe.

1. Is this position at UMB typically held by employees working in the State of Maryland?

Y  /N

1. Describe how the employee can effectively perform their job duties remotely. (A copy of the employee’s proposed Telework Agreement must be submitted with this form):

1. Describe how the Department plans to supervise and hold the employee accountable for compliance with USM and UMB Policies and Procedures.

1. Do the employee’s duties require frequent collaboration with employees at UMB and if so, what steps has the Department taken to ensure that this can be accomplished without jeopardizing the efficiency of operations of employees working in the State of Maryland (e.g., setting forth expectations regarding work hours, virtual meetings, etc.)?

1. Describe the metrics or criteria to be used for evaluating the productivity or work performance of the employee filling the position:
2. How long do you anticipate the out of state work arrangement will last and describe any conditions that might shorten or lengthen the arrangement?

**PART FIVE – FOR DEPARTMENT REVIEW AND ACKNOWLEDGMENT:**

It is understood and acknowledged that any approvals for out-of-state work under this section cannot be regarded as permanent and are explicitly conditioned upon the University’s plans to procure the services of an Employer of Record (“EOR”). All employees whose positions are approved for out-of-state work under this section must be notified of this requirement as a condition of approval and employment.

Name:       Date:

Title:

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

**PART FIVE - FOR DEAN/VP REVIEW AND APPROVAL:**

Subject to final approval from the VPAF and the Provost (for faculty positions), I have reviewed this proposal and affirm that this request is consistent with UMB’s Out of State Work Policy because the position is operationally critical and requires a highly specialized body of knowledge for which UMB has experienced retention and recruitment problems. I have carefully reviewed the relevant costs and benefits to my School/Unit and have determined that risks associated with this proposal can be justified based on the benefits it provides to the University.

I understand that due to the legal and financial risks and uncertainties related to employment of out of state workers, the department will become responsible for any expenses associated with additional risks and burdens. This may include engagement of outside legal counsel, expenses associated with statutory and regulatory compliance, and/or the cost of utilizing an Employer of Record.

Name:       Date:

Title:

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

**PART FIVE - FOR HR USE ONLY:**

Is the position Exempt?

Y  /N

Does the proposal meet the conditions for approval set forth in Section V.A.2. of UMB’s Out of State Work Policy?

Y  /N

Have copies of the proposed Telework Agreement been included?

Y  /N

Has University Counsel been consulted on the proposal?

Y  /N

Does the proposal trigger any of the conditions for denial set forth in Section VIII of the UMB Policy on Out of State Work?

Y  /N

Describe how HR will ensure that the employee is notified of the University’s plans to procure an EOR (e.g., specialized offer letter, signed acknowledgement, etc.).

Describe any additional or unique risks, costs, or considerations associated with the proposal that the VPAF (and Provost) should be aware of (e.g., if it is proposed to take place in a state in which UMB does not currently have Workers Compensation coverage or a state in which UMB has already decided not to operate).

Describe any mitigation measures (conditional limitations or parameters) that HR recommends the VPAF (and Provost) to consider.

Examples of mitigation measures:

• Limit the duration of the approved out of state work (e.g., limited approval of 1 year)

• Place conditions on the specific job duties that may be performed out of state (e.g., approval limited to office work in approved home office or specific clinical site)

• Require the Department or Unit to set aside a specified amount of funding in the event of liability exposure caused by out of state work

• Requirements to use an EOR once approved

• Procure additional insurance coverage

HR Review Completed By:

Name:       Date:

Title:

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

**PART FIVE - FOR VPAF/PROVOST USE ONLY:**

VPAF Review and Outcome:

Approved

Not approved

Approved with Conditions

Name:       Date:

Title:

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

Additional Provost Review and Outcome (for faculty positions):

Approved

Not approved

Approved with Conditions

Name:       Date:

Title:

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

**PART SIX: (FOR FACULTY ONLY) Regularly working in Maryland while Teleworking Part-Time (no more than the equivalent of two days per week) from an Out of State Location that is not contiguous to Maryland**

1. Has the Faculty member’s Telework arrangement been tentatively approved by the Dean?

Y  /N

1. Has notice been provided of the out-of-state telework arrangement to the Provost?

Y  /N

**PART SIX - FOR HR USE ONLY:**

Does the proposal trigger any of the conditions for denial set forth in Section VIII of the UMB Policy on Out of State Work?

Y ☐ /N ☐

HR Review and Outcome:

Approved ☐

Not approved ☐

Name:       Date:

Title:

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