

UNIVERSITY POLICY



Multi-State Employment

Responsible Office: Human Resources
Effective Date: September 16, 2024

Policy Statement

This policy sets forth the requirements for hiring or retaining employees who will perform their job duties outside of Indiana, as well as processes that must be followed to ensure the University can maintain appropriate compliance.

Scope

This policy applies to all full-time and part-time faculty and staff. This policy is intended to address domestic employment only and does not support international employment needs.

Policy

There may be an occasional need to hire or retain an employee who will primarily perform their job duties outside of Indiana to further Butler's commitment to attracting and retaining talented individuals. Employees who primarily perform their job duties from locations outside Indiana present unique and challenging compliance issues by subjecting the University to the laws in the state in which they perform the work. Because employment, tax, privacy, and compliance laws at the federal, state, and local levels are nuanced, complex, and constantly changing, no individual who resides or primarily performs their job duties outside the state of Indiana may be offered a position without advance approval from the University's Human Resources Department. Therefore, the hiring or reassignment of employees who will perform their job duties from a physical location outside of Indiana must be supported by a clearly articulated business purpose and not solely for the employee's convenience.

The University prohibits the hiring or classification of staff or faculty as independent contractors as a means to employ someone in a state not approved by the University. As a reminder, hiring managers must prospectively engage Human Resources prior to entering into any independent contractor agreements to ensure the classification is proper. Managers should contact their HR Business Partner for guidance on Independent Contractor protocol.

Review and approval of requests for hiring an employee outside of the state of Indiana will require consideration of the business needs, the availability of in-state talent to fill the role, whether the role is suitable for remote work, and whether the University is already authorized to conduct business in the state requested.

Procedures

Departments requesting to recruit for a staff position outside of the state of Indiana must obtain approval when opening a requisition in the current Applicant Tracking System (ATS). The request must explain the reasons and business necessity for recruiting an employee to work outside of Indiana. If the request to include an out-of-state search has not been requested and approved through the ATS, Talent Acquisition will not post to additional states, or consider candidates wishing to reside outside of Indiana. Once an original search in Indiana has not produced a qualified applicant, the hiring manager can request the search be expanded to a state not posing a significant barrier to entry to employment by partnering with their HR Business Partner.

For Online Faculty Positions:

Positions for teaching and developing an online course may be considered for employment outside of Indiana in states not posing a significant barrier to entry to employment. ***Prior*** to the position being posted, both the Dean/VP and HR Business Partner must approve the posting.

Approved Requests and Offers of Employment:

Upon the acceptance of an offer of employment, Talent Acquisition is responsible for notifying the HR Business Partner, Business Office and Payroll of the new employee. Start dates for employees located outside of Indiana can be no sooner than 30 days from offer acceptance. This timeline is necessary to ensure that the University is appropriately registered to conduct business in that state, compliant with the related laws and regulatory requirements of the state of residence/employment, and ensure all internal processes have been established to support a successful on-boarding of the new employee. Failure to adhere to the 30-day notice may jeopardize the employment status of the individual with Butler University.

For Existing Employees:

Departments wishing to consider an out-of-state assignment for the purpose of retaining critical talent for the University should partner with their division head and Human Resources to gain appropriate approval. Managers should not agree to an out-of-state placement without first gaining approval.

No employee should relocate to another state with the expectation of maintaining employment with the University. Employees attempting to relocate out of the state of Indiana must inform their direct supervisor and HR Business Partner at least 30 days prior to relocation to the new state in which they wish to reside and work. Human Resources will review the new state of residence to determine if employment can continue based upon barriers of entry.

Failure to report out-of-state employees to Human Resources within the stated 30-day timeline may result in statutory compliance penalties, which will be assessed to the hiring department.

Employees outside of the state of Indiana will be required to submit a Flexible Work Schedule and Remote Work Request to the University. An employee with an existing approved agreement to work remotely must notify their manager before moving to a new, approved state.

An approved list of states that can be considered for out-of-state employment can be found in the Butler Knowledge base.

Policy Collaborators: Finance, Office of General Counsel

Contact Information: askhr@butler.edu

Appendices: None

History/Revisions: New