



Policy Title	Out-of-State Employment Policy
Issue Date	August 1, 2023
Effective Date	August 1, 2023
Last Updated	July 6, 2023
Responsible Office	Human Resources
Contact Information	Human Resources Phone: 470-578-6030 Email: hr@kennesaw.edu

1. Policy Purpose Statement

The purpose of this policy is to require colleges/divisions seeking to either hire an individual who will work out-of-state or permit a current employee to work out-of-state to obtain advance review and approval before hiring or permitting out-of-state work.

2. Background

Kennesaw State University recognizes the occasional need to hire an employee who will, due to the nature of a particular position or business needs of the University, live and work within the United States but outside of the state of Georgia. However, because having employees work outside of Georgia subjects the University to numerous other employment-related laws and imposes additional insurance and payroll requirements and costs (e.g., workers compensation liability insurance, unemployment requirements, payroll tax withholding/reporting, administrative costs, and other reporting requirements to other states), requests for out-of-state work arrangements require leadership review and approval in advance of the arrangement.

3. Scope (Who is Affected)

All employees.

4. Exclusions or Exceptions

This policy does not apply to the following circumstances:

- a. Non-paid affiliates;
- b. Applicants who reside out-of-state currently, but will work in Georgia if offered employment;
- c. Employees who periodically travel on university-affiliated business but primarily work in the state of Georgia; or
- d. Employees who are performing short-term/temporary out-of-state work assignments.

5. Definitions and Acronyms

Out-of-state employee: Any KSU employee who regularly performs work duties outside of the state of Georgia.

6. Policy

Faculty, staff, and graduate student employees may be eligible to work out-of-state. Out-of-state employment must be approved in advance by the unit's senior leader (Vice-President or Dean) and a review committee authorized by the President. The review committee will be comprised of representatives from Human Resources, Academic Affairs, and Legal Affairs.

Where out-of-state employment is approved, units will be financially responsible for the cost of additional legal compliance and administrative costs incurred by the University for each out-of-state employee. The employee is responsible for any income tax implications related to the employee's out-of-state work arrangement. KSU will not provide tax guidance or assume any tax liabilities relating to such arrangement on the employee's behalf.

Process Overview:

- a. Before seeking approval, units should review the request based on KSU business needs, confirm position eligibility, and confirm whether the candidate or employee's out-of-state work requires approval (see **Section 4. Exclusions or Exceptions**).
- b. At least 6 weeks before the proposed employment start date, the hiring department must obtain approval from their college or division leadership by submitting a request for authorization to hire an **Employee Residing and Performing Work Outside of Georgia**. The hiring unit should include as much information as possible to demonstrate the business rationale for the proposed arrangement and the expected length of time of the arrangement.
- c. If college or division leadership approval is obtained, then the dean or vice president should submit a College/Division request for approval to the Committee for review. The request for approval must include a brief description of the work to be performed and the justification for the approval request, specifically, what unique qualifications or contributions the candidate or employee offers and how these qualifications will benefit KSU.
- d. During the Committee's review, the Committee will consider the following questions:
 - i. Does the arrangement fill a position that cannot be filled by an employee in Georgia?
 - ii. Can the work be performed remotely?
 - iii. Does the arrangement benefit KSU?
 - iv. Is KSU able to meet the compliance requirements of the outside state?
- e. Depending on the position, Human Resources (staff and graduate student employees) or Academic Affairs (faculty) will notify the dean or vice president of the committee's approval to hire and next steps, or of a denial.

- f. If approved, employees must complete the out-of-state telework agreement.
- g. Approvals may last no more than one year. Requests for an extension of the out-of-state arrangement must be submitted on an annual basis.

7. Associated Policies/Regulations

- a. [KSU Teleworking/Alternative Work Schedule Policy](#)
- b. [KSU Staff Teleworking Program Guidelines](#)

8. Procedures Associated with this Policy

- a. [Out-of-state Request Procedures](#)

9. Forms Associated with this Policy

- a. [Staff Telework Agreement Form](#)
- b. [Faculty Out-of-State Work Agreement](#)

10. Violations

Policy violations may subject individuals to appropriate disciplinary action by KSU.

11. Review Schedule

Human Resources will review the Out-of-State Employment Policy annually.




At Kennesaw State University, institutional policies that have undergone the established shared governance review and feedback process are presented to the President and Provost for final approval. The signatures below indicate this institutional policy has been reviewed and approved by the President and Provost.

Approve

DocuSigned by:

 July 24, 2023
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 Dr. Kathy S. Schwaig,
 President
 Kennesaw State University

DocuSigned by:

 July 24, 2023
02FA0CC7B24D4B3...
 Dr. Ivan Pulinkala
 Provost and Senior Vice President for
 Academic Affairs
 Kennesaw State University