

UIS PROCEDURES FOR STAFF REQUESTS FOR OUT OF STATE REMOTE WORK

I. OVERVIEW

These procedures implement the UIS Out of State Remote Work Policy as it pertains to staff (non-faculty) requests to work outside of the State of Illinois, including outside of the United States.

The UIS standard for reviewing requests will be focused on two key elements: 1) whether the request is in the best interest of the University and 2) the employee's ability to adequately fulfill all of their professional responsibilities. **A request should not be approved unless both elements can be satisfied.**

Requests should be submitted at least two months in advance of any relocation or travel arrangements being made¹. The analysis may require advice from external consultants and contracts with local entities and thus, due consideration should be given for the time necessary to navigate relevant university processes.

Under no circumstance can an employee begin work outside of Illinois without completion of an I-9. For work in a foreign country, prior consultation about import/export implications is also required.

Approved out of state remote work arrangements should be reviewed at least annually to ensure the arrangement continues to be in the best interest of the university. Remote work arrangements can be revoked at any time with appropriate notice.

II. INITIAL CONSIDERATIONS FOR OUT OF STATE WORK

Prior to evaluating an employee's request for out of state remote work, the employing unit should review the [Working Outside of Illinois Policy](#), including [OBFS Policies Section 1.5](#), How to Conduct Business Outside the State of Illinois, and [Section 18.16](#), Implications of Conducting Business Outside the State of Illinois.

Examples of matters possibly affected are:

- Establishing the ability to legally and safely employ individuals outside Illinois;
- Creating a legal presence, filing business registrations, and applying for required licenses, visas and work permits, as applicable;
- Following local employment laws (e.g., health benefits, retirement and severance pay, local holidays observed, required vacation and sick time, including parental leave);
- Applying for tax-exempt status;
- Calculating and withholding income, social security, and other taxes, as well as remitting and reporting taxes and other required information;
- Opening bank accounts;

¹ Any individual who chooses to make arrangements prior to final approval does so at their own risk.

- Following procurement laws.

These matters are very fact specific as each state and country has its own laws.

III. PROCESS STEPS

There are 3 parts to the UIS review process: 1) university level reviews; 2) System level review(s); and 3) final determination.

Part 1: UNIVERSITY REVIEWS

A. Supervisor

Staff seeking authorization to work remotely must have the endorsement of the direct supervisor. The following factors must be considered and documented:

1. **The benefit or business objective to the University by permitting this arrangement.** Things to consider should include:
 - Is the request work related or for personal reasons
 - Whether work from the remote location presents opportunities that are not available in Springfield, in Illinois, or in the United States.
 - Whether there are reputational benefits to the university
 - Whether the employee has specialized knowledge, unique skills or performs work in a specialized area that would be difficult to replace should the employee leave the employ of the university
 - Other benefits or business objectives
2. **The impact of permitting the remote work arrangement.** Consider all aspects of expected performance, including:

Performance Impact: Can the employee perform all job responsibilities as reflected in their job description or other documented expectations?

- Can the work be done effectively from the remote location?
- What is their level of engagement with the public?
- Will others have to 'cover' certain functions to account for the remote arrangement?

Financial Impact: What is the financial impact on the unit? Note: The unit must pay any applicable fees for legal and financial research into the proposed state or country; however, a funding structure for recurring costs must also be identified.

- How is the position funded? Does the funding source permit performance outside the State of Illinois?
- Will contracts with another state or country be necessary in order for the work to be performed remotely?
- Can the unit fund routine equipment and supplies needed to perform the work remotely? (computers, printers, office supplies, furniture, etc.)
- Can the unit fund potential recurring costs for subscriptions or other resources outside the State of Illinois, if needed?

Other Impacts:

- Is the arrangement in service to the unit's mission as far as service and access?
- Are there other employees in the department/unit with limited on-campus presence?
- Are there other needs or support functions that might be necessary for the remote work (for example, recurring legal advice for contracts, business functions, etc.)?

The unit head must inform the employee in writing and identify the basis for the decision.

B. Dean/Director/Department Head

If a supervisor endorses and advances a request, the Dean/Director/Department Head must evaluate the request and make a recommendation using the same analysis, in addition to determining if the arrangement will impact the mission and priorities of the department. The Dean/Director/Department Head must articulate the basis for the determination.

If the Dean/Director/Department Head supports the request, they should have the requestor complete the preliminary questionnaire provided by the Office of the Treasury. (Attached) The information should then be forwarded to the Division Head for consideration.

C. Division Head

If a Dean/Director/Department Head endorses and advances a request, the Division Head is responsible for:

1. Review of applicable grants, contracts or other funding sources to determine any impact that may arise.
2. Considering the information provided by the Supervisor and Dean/Director/Department Head and making a determination that the request warrants the investment necessary to review the legal and business implications of the arrangement.

Part 2. SYSTEM REVIEW(S)²

If the Division Head preliminarily approves a request to explore remote work outside of Illinois, including outside of the United States, the Division Head or their designee, will forward the answers to the System Level Review Questions (see attached), along with a CFOP in the event external legal counsel is necessary to uishr@uis.edu.

A request to work outside of the United States in excess of 60 days will be directed to the System's Out of Country Employment (OOCE) Committee. This committee will review the out of country requirements, considering the legal, financial, export control, data privacy (e.g., GDPR, PIPL), safety and human resource implications and institutional risk tolerance of the request, and answers to the System Level Review Questions in order to determine if the work can be done consistent with applicable laws and policies.

² If the System group declines to review a request due to it not meeting its review criteria, an ad hoc review may still be required to determine import/export, tax, business, and legal implications of the request.

For requests outside of Illinois but within the United States, or requests outside of the United States under 60 days, relevant system offices will be consulted.

A CFOP must be provided (estimated at \$5,000-\$10,000, depending on the state or country and the complexity of issues involved). Additional funds may be needed.

If an arrangement is permissible, a recommendation will go to the Division Head for a final determination as to whether the remote work will be approved.

Part 3. FINAL UNIVERSITY DETERMINATION

If, upon receipt of the advice generated from the System-level review, and after consideration of the case specific facts, the Supervisor, Dean/Director/Department Head and Division Head all agree that: 1) it is in the best interest of the university, 2) the staff member will be able to fulfill all of their professional responsibilities, and 3) the relevant considerations support the request, the request for remote work outside of Illinois may be approved by the Division Head.

IV. Post-Approval Action Items

1. Employee completes [Remote Work Agreement](#) and obtains all necessary signatures
2. Employee completes the “[Certification of Working Outside the State of Illinois](#)” form, if not already complete. All required signatures must be complete.
3. Employee must remit a new [state withholding allowance certificate](#) if applicable, and contact [UPB](#) with questions. If an employee is a resident of a reciprocal state, employee must also complete [Form IL W-5-NR](#). If Form IL W-5-NR is complete, a withholding certificate for that state must also be completed. (Applicable only if working inside of the United States.)
4. Employee must update the “Working Outside of Illinois” address section in [My UI Info](#). (N/A if this was completed during onboarding.)
5. Employees are required to comply with applicable data protection and privacy laws, regulations, and industry standards, as well as System policies and standards that require security safeguards around sensitive institutional data.
 - Employees desiring to work remotely in the European Economic area or the United Kingdom should complete the [Employee Privacy Notice](#).
 - Employee must contact Human Resources at uishr@uis.edu to update the GUACCPR page in Banner.
6. Unit and employee must review and comply with [Business and Financial Policy Section 12.3.7, Equipment Loans to Faculty, Staff, or Students](#).
7. Unit/HR will send employee [Required Employment Notices and Posters](#)
8. Employees working in other states need to complete one of two forms:

[Statement of Non-residence in IL](#) if residents of a reciprocal state (IA, KY, MI, WI), or

[Certification of Non-residence in IL](#) (all other states)

Note the [Tax Withholding Allowance Certificates website](#) notes the other states where the University is registered for employment purposes.

Also, for [foreign national employees](#), additional steps may be required. See [Payments to Foreign National Payments Working outside the U.S. website](#). If the individual is a nonresident alien, the employee must be coded as FSI for the period working outside the United States. In addition, the department will need to ensure that the employee is switched back to regular earnings on the first day in the U.S. to comply with U.S. tax withholding and reporting rules.

System-Level Review Questions

(The following is from the Treasury Questionnaire. This is subject to change):

About the Employee:

- 1) Name
- 2) UIN
- 3) Title
- 4) Position classification and FTE (extra help, academic hourly, civil service, academic professional, faculty, etc.).
- 5) Citizenship
 - a. If the employee is a dual citizen of the U.S. and another country, identify the other country.
- 6) Current country of residence
- 7) Proposed country of residence, if approved
- 8) Whether the individual's family is traveling with the employee

About the Travel:

- 9) The name of the proposed host country
- 10) Timeframe for remote work in the host country
 - a. Start date
 - b. End date
- 11) Anticipated travel back to the U.S. or to other countries during the relevant timeframe (indicate anticipated number and duration for each)

About the Work:

- 12) The job duties (attach a CV or job description). State specifically if:
 - a. The employee will supervise employees
 - b. The employee will have the authority to enter contracts on behalf of the university
 - c. The employee will sell any good or services on behalf of the university
 - d. The duties relate solely to university business in the US (e.g., remotely teaching a class located at UIS or conducting administrative functions for university units).
 - e. The duties involve any interaction with people or entities in the host country (e.g., customers, collaborating researchers, research subjects, alumni, government officials), either in person or electronically
 - f. The duties involve marketing or recruiting students, interacting with research subjects, or conducting activities that require an in-person presence in the host country
- 13) Whether other university employees will also travel to work in the host country

14) Whether a license or other specific credential is required to perform the work in the host country. (If so, identify them)

15) Payment:

- a. Will they receive payment for services?
- b. Is the university currently paying them?
- c. Is another company paying for them?
- d. How much and what is the frequency of pay (i.e., monthly, or hourly)?
- e. Will the university provide payments to a U.S. bank account or a bank account in another country?
- f. Is the individual on paid leave (e.g., FMLA)?

16) Export Controls:

- a. Will they work on a university computer?
- b. Will their work be saved on university servers?
- c. Has the unit already received approval from the export compliance officer if university property and software will be used in outside the U.S.? Kathy Gentry is Urbana's Export Compliance Officer. See [University Ethics and Compliance Office](#) and International Travel and Export Controls five minute [video for Urbana](#).

17) Additional information may be required depending on the answers to the questions above.

If known, which option does the unit anticipate using for employment of the employee outside the U.S.:

- engage in a contract with a local institution to hire the individual (i.e., the university would pay the local institution directly);
- obtain outside counsel's opinion on worker classification status and legal/employment/business/payroll/tax requirements associated with each classification (unit incurs costs and provides CFOP before consultation begins), which may also require securing a local payroll and tax firm at the hiring unit's cost;
- hire an Employer of Record (EOR) or Professional Employer Organization (PEO), which are employment agencies that typically charge a start-up fee and a minimum monthly fee or 7-20% of the individual's salary and benefits (this option is not available for teaching positions);
- create a separate entity to hire the individual (this option is used only for major projects and the most expensive and time consuming – e.g., the study abroad operations in Spain took a couple of years to set-up and fees exceeded \$150K);
- require work to be performed in the U.S.;
- do not hire/terminate employment.