

Upon completion, this form should be emailed to jobs@umw.edu and payroll@umw.edu

UMW OUT OF STATE EMPLOYEE APPROVAL FORM

Departments or hiring supervisors seeking to hire or reassign an employee to work out of state must complete this form and submit it to HR and Payroll as soon as possible prior to the employee's requested start date or reassignment date.

Employee's Primary Work Location:

State of:	County/City/Town:
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UMW Supervisor Requesting to Hire/Reassign an Out of State Employee			
Name			
Title			
Email			
Phone Number			
Department			
Information on Prospective New Hire or Out of State Employee (to be completed by supervisor)			
Employee Name			
Employee Status: New Employee ☐ Current Employee ☐ Returning Adjunct ☐			
Address where the employee will be LIVING			
Address where the employee will be PHYSICALLY WORKING			
Position Title		Position Number	
Business Justification: Why does UMW need to establish a location in this state? What business will be conducted within the state to justify the employee's presence? What circumstances exist that prevent this work from being performed in the Commonwealth of Virginia?			
How long will the employee work outside Virginia?		If less than 60 days check this box	☐
If temporary, what date will the employee BEGIN working outside of Virginia?		If temporary, what date will the employee STOP working outside Virginia?	
If permanent, what is the anticipated start date?			

Agreements and Approvals

I understand employees working out of state are subject UMW to laws that may result in additional insurance, payroll requirements, and costs.

I understand that the employee cannot work outside VA until a telework agreement is completed. ☐ Yes ☐ No

Section A: Requesting Department Approval (VP or Dean)

Department Approver Name: _____ Title: _____

Signature: _____

Section B: Human Resources Review

HR Reviewer Name: _____ Title: _____

Signature: _____

Approval recommended: ☐ Yes ☐ No

Reason: _____

Section C: VP of Finance and Administration/Fiscal Officer Review

Approval Recommended: ☐ Yes ☐ No Signature _____

If not approved, provide reason: _____

Section D: Payroll Department

Payroll Reviewer Name: _____ Title: _____

Signature: _____

Approval recommended: ☐ Yes ☐ No

Reason: _____

Telework Considerations Outside the Commonwealth of Virginia

Agencies and employees should consider and consult with appropriate resources when considering telework outside the Commonwealth of Virginia. This checklist provides a guide for issues agencies and employees need to consider and research if they are considering allowing employees to routinely work outside Virginia. Agencies are encouraged to work closely with agency legal staff and/or the Attorney General's Office to identify other legal or compliance requirements. Please keep in mind that telework outside of the U.S. may result in additional considerations beyond what is included in this document. Agencies should be prepared to research and address additional topics when considering telework outside of the U.S.

Topic	Consideration	Yes	No
Taxes	Is a "tax nexus" triggered by out-of-state telework? <i>A tax nexus can occur when an employer has a business location or employees are performing work (e.g., telework) in a particular state outside the state where the employer is located. When a nexus is established, the employer must then comply with the particular state's tax withholding requirements (in addition to other wage and hour laws).</i>	☐	☐
	Does the state have a state withholding tax?	☐	☐
	Does the state have their own withholding form or do they utilize the federal W-4 to determine the state withholding?	☐	☐
	Does the telework address have local taxes?	☐	☐
	Does the state have specific W-2 reporting requirements? <i>Agencies must provide State Payroll Operations with the withholding and unemployment insurance account numbers that should be requested from the relevant state when hiring someone outside the Commonwealth of Virginia.</i>	☐	☐
	Does the state have any exclusions of pre-tax deductions (Cafeteria Plans, 401(k), 457, etc.) from state/local taxable wages?	☐	☐
Unemployment Insurance & Taxes	Does a reciprocity agreement exist with other states?	☐	☐
	Does the state allow government entities to participate in unemployment reimbursements or is the employer required to fund unemployment?	☐	☐
	Does the state have specific unemployment insurance and requirements?	☐	☐
	Does the state require additional employee taxes for unemployment?	☐	☐
Workers' Compensation	Does the state have specific requirements for workers' compensation?	☐	☐
	Does the state have regulations regarding state specific workers' compensation reporting, audits or assessments?	☐	☐
Wage and Hour Laws	Is there a state minimum wage for the state and/or locality?	☐	☐
	Does the state have specific overtime calculation regulations?	☐	☐

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Topic	Consideration	Yes	No
	Does the state have regulations governing meals and breaks?	☐	☐
	Does the state have specific work hour regulations?	☐	☐
	Does the state have shift premium requirements?	☐	☐
	Does the state have specific format requirements for pay advice reporting?	☐	☐
	Does the state have special regulations governing the method of payment of wages?	☐	☐
	Does the state have specific requirements for child support and garnishment processing?	☐	☐
	Does the state have any pay equity regulation?	☐	☐
Workplace Safety	Are there state specific requirements for OSHA?	☐	☐
	Are there state specific requirements for OSHA reporting?	☐	☐
Employment	Does the state have any disability accommodation requirements?	☐	☐
	Does the state have specific drug testing requirements?	☐	☐
	Are there state specific new hire reporting requirements?	☐	☐
	Does the state have specific EEO and EEO reporting requirements?	☐	☐
	Does the agency have an arrangement to have someone physically examine I-9 documents remotely (e.g., a notary public – see USCIS I-9 Central for more information)?	☐	☐
Leave	Does the state require employer paid short-term disability?	☐	☐
	Does the state require additional employee taxes for disability?	☐	☐
	Does the state have requirements governing jury duty leave?	☐	☐
	Does the state have required paid leave time for maternity/paternity leave?	☐	☐
	Are there state specific FMLA provisions?	☐	☐
	Are there state specific holiday requirements?	☐	☐
Equipment	Will the agency provide state issued equipment to be delivered to the out-of-state teleworker?	☐	☐
	Does the agency have a process and procedure for collecting state issued equipment from the out-of-state teleworker?	☐	☐
	Does the agency have a process and procedure for how state issued equipment will be maintained?	☐	☐

Telework Considerations Outside the Commonwealth of Virginia

The following resources are provided to help support agencies and employees in considering requirements and obligations for out-of-state telework. These resources are not all inclusive and we encourage both agencies and employees to consult additional legal, payroll, or other resources as necessary.

External Resources

[DOL's Localization of Work Provisions](#) - complete a 4 factor test to determine which state wages should be reported and unemployment insurance tax paid.

[Chart of state and local tax authority positions](#) (posted by Wipfil)

[Chart of websites for state and selected local tax authorities](#) (posted by Drucker & Scaccetti)

[State Employment and Labor Laws](#) (posted by The Lunt Group, LLC)

[SHRM State Law Developments](#)

[SHRM Multi-State Laws Comparison Tool](#) (requires SHRM membership)

Commonwealth of Virginia Resources for Agency HR Staff

Workers' Compensation: DHRM Risk Management, dhrmriskmanagement@dhrm.virginia.gov

Benefits: Office of Health Benefits, ohb@dhrm.virginia.gov

Virginia State Payroll Operations: Out-of-State Payroll Tax Information,
<https://www.doa.virginia.gov/reference/payroll/>

Department of Accounts State Payroll Operations: payroll@doa.virginia.gov

Legal: please contact your agency Legal Staff or the Office of the Attorney General