



Out of State Employment

Ranger College recognizes the occasional need to hire or reassign an employee or appointee who will, due to the nature of a particular position or business needs of the College, need to reside and perform their College work outside of the state of Texas (whether in another state or another country). However, because having employees or appointees work outside of the State of Texas subjects the College to numerous other 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), the College reserves the right to determine in advance whether the College will permit an employee's or appointee's principal work location to be outside of the State of Texas. Accordingly, the purpose of this procedure is to avoid or properly mitigate the risk to the College and to its faculty and staff when they regularly perform work in states other than Texas and to clarify that out-of-state employment must be authorized in advance.

Significant risks and other considerations that are associated with employees working out of state:

- A. A state may require Ranger College to register to do business in that state if the College authorizes an employee to perform work in that state. In addition to the administrative burden of registration, this may make Ranger College subject to suit in the other state and subject to laws of the other state that otherwise would not apply to the College.
- B. Ranger College does not have liability insurance protecting it or its out-of-state workers from claims and litigation arising in other states. The State of Texas lawyers in the Office of the Attorney General of Texas who represent the College and its employees in court cases do not work in other states, so litigation costs are a risk for Ranger College and its employees.
- C. Ranger College's worker's compensation insurance is a State of Texas Program. The College is not always able to obtain special workers' compensation insurance in another state to protect the College's employees with respect to work-related injuries in that state. Also, even if the College can obtain workers' compensation insurance in another state, the administrative burden of securing out-of-state workers' compensation coverage and benefits may be significant (e.g., requiring additional, ongoing reporting). The cost of workers' compensation insurance in other states is not predictable. Penalties for not securing such insurance are a financial risk to Ranger College.

- D. Ranger College, as an employer, may be required to follow the state or local employment and tax laws of an out of state location in which an employee's work is authorized or required to be performed. These requirements can include:
- Workers' compensation insurance
 - Unemployment insurance
 - State employment laws (e.g., wage and hour laws)
 - State employee benefits laws (e.g., mandated paid leave requirements such as family medical leave or disability benefits)
 - Payroll considerations (e.g., state and local taxation, mandatory contributions to state benefits plans)
 - Occupational health and safety standards
 - State and local reporting requirements
 - Professional licensing requirement for work in another state
- E. Employment laws change frequently. Risks of non-compliant out of state employment are great, and Ranger College may not be prepared to adapt to new laws of other states or to bear the financial burdens of providing benefits required in other states.

This process will require that departments wanting to hire or reassign an individual who will work out-of-state must complete an Out of State Employment Justification Form in order to seek and obtain the advance review of the Human Resources Director and the Chief Financial Officer. The written proposal must include a recommendation from this position's applicable Vice President. Ranger College will consider approval of regular out-of-state employment if the position is an operationally critical position that requires a highly specialized body of knowledge for which Ranger College has experienced retention and recruitment problems and the risks and considerations of employing the out-of-state employee can be accounted for and supported (financially and legally).

This procedure does not apply to applicants who reside out of state currently but intend to move to Texas if offered employment. It does apply to employees or appointees who will be working in another state or country. If a department desires to have an employee continue to work that is located in another state or country, it should prepare the Out of State Justification Form as detailed in the prior paragraph to submit to the Human Resources Director and Chief Financial Officer.



**Out of State Employment
Justification Form**

Date: _____

Applicant Name: _____

Applicant Address: _____

State where services will be performed: _____

Is RC currently registered as an employer in this state: _____

For tax purposes, is the applicant considered a resident or non-resident of this state? _____

Does the applicant's local jurisdiction require employer tax withholding and reporting? _____

Applicant position being sought: _____

If adjunct instructor, courses to be assigned: _____

Justification:

Statement - I certify that I have read RC's Out of State Employment procedures and am aware of the significant risks and other considerations that are associated with employees working out of state.

Hiring Committee Chair signature, date, & division

Vice President signature and date (Attach Vice President recommendation)

A detail risk assessment will be completed by the Business Office and presented to the Hiring Committee Chair and Vice President.