



NCIRE

Northern California Institute for Research and Education

NCIRE Out of State Remote Work Policy

Purpose

This policy represents NCIRE's position on hiring and/or allowing reassignment of an employee to work out-of-state.

Definition

An "out-of-state employee" is defined as an employee of NCIRE (or potential employee) whose primary work site is located outside the state of California. All individuals defined as employees of NCIRE include intermittent, regular, part-time and temporary employees. The previous definitions are considered employees for the purpose of the policy. Consultants and contractors are not covered by this policy.

Policy

Applicable Laws

Employees outside the state of California that are employed by NCIRE are subject to all employment-related laws of the state in which they work. State taxes, employment tax, and workers' compensation provisions vary from state to state. NCIRE Payroll, Human Resources and Accounting are primarily responsible for compliance with these various rules. To comply with such rules, NCIRE must be established as a business in that state. For these reasons, it is imperative that NCIRE HR is notified of any prospective arrangements involving an NCIRE employee's request to work outside the state of California.

The existence of NCIRE employees in a state outside California may trigger additional compliance requirements besides those relating to employment. Therefore, the hiring or reassignment of employees to positions outside California must be justified by imperative NCIRE business purpose and not merely an accommodation to the employee. For example, can an equally qualified local candidate be identified.

Working from Another Country

NCIRE employees may not work as a regular remote employee outside of the United States on VA research. All NCIRE research is VA research, and VA research is performed by people employed and living within the United States, this is based on VA policy.

Approvals

Approval of the hire or reassignment to out of state must be obtained in advance, in writing from the Executive Director of NCIRE, the Director of Human Resources, and a Contracts and Grants Manager who will verify the continued funding of the grant that supports the staff member.

This request will need to be done via the “Out of State Employee Request Justification Form”. The Principal Investigator must document and justify the identified employee is key to their research. NCIRE requires a documented business reasons for allowing the employee to work out of state.

Administrative Costs

Administrative costs per capita for out-of-state employees are high due to the extraordinary costs to assure compliance and, in some cases, liability for unemployment and disability benefits. By completing the “Out of State Employee Request Justification Form” the Principal Investigator agrees to cover all cost associated with NCIRE maintaining a business presence in the state. An example of some of the applicable costs include: taxes, a paid registered agent, set-up fees, and workers compensation, disability insurance, unemployment, etc.

Principal Investigators will be subject to an annual fee of \$2,000 each year for each out-of-state employee to help offset the administrative burden of maintaining the out-of-state presence. The fee agreement is a \$2,000 fee annually to maintain the out of state employee. This fee will be charged annually on the employee's original start date with NCIRE.

Other Considerations

Benefits

The choices of health and other welfare NCIRE benefits plans may be more limited for employees who work out of state. NCIRE will not have special additional options to accommodate States beyond California.

Renewal of Without Compensation (WOC) Appointment

A Research Service Without Compensation (WOC) appointment is an individual who performs research-related duties without any direct monetary compensation from the Department of Veterans Affairs. All NCIRE employees must have a WOC appointment. If a remote worker is unable to renew their WOC status at their local VA, Principal Investigators will be required to cover the cost of their employee to travel to the SFVACHS campus to renew their WOC status.