



Albert Einstein College of Medicine

## Employees Who Work from Outside the New York Area

### I. Purpose

Albert Einstein College of Medicine (the “College”) is obligated to follow state-specific laws for its employees who are physically located and working from another state, outside of New York, New Jersey, Connecticut, or Pennsylvania (the “Outside-NY-Area Work Site”). The College is also required to track employees who work from an Outside-NY-Area Work Site in order to comply with, among other things, applicable tax withholding requirements of New York State and of the state or city, in which the employee works, as well as unemployment insurance and workers’ compensation requirements of the Outside-NY-Area Work Site. Further, more states have adopted state-specific employment and labor laws that are different from those in New York State, making this situation more complicated and costly. Our policy, therefore, is to minimize the number of employees working from an Outside-NY-Area Work Site by establishing the guidelines outlined below on the limited circumstances under which an employee may be permitted to work for the College from an Outside-NY-Area Work Site.

### II. Scope

This policy applies to any employee (faculty or staff) of the College who works, lives, or resides outside New York State, New Jersey, Connecticut, and Pennsylvania (the “New York Area”). This policy does not apply to applicants who currently reside out-of-state but who intend to move to New York if offered employment, nor to New York-based employees whose job requires business travel for short periods of time outside of the state on a temporary basis. This policy also does not apply to College research fellows or postdoctoral researchers.

**NOTE:** Employees are prohibited from working from locations outside the United States, including its overseas territories. Faculty who must work outside the United States for their research must provide written notification to their respective department chair, the College’s Global Health Center, and the College’s Vice President for Human Resources & Title IX Coordinator before commencing international work. Faculty must provide said written notification as soon as possible, but no later than 90 days before their departure date.

**NOTE:** This policy does not authorize any employee to work from home, even if they live within the New York Area. Employees who have a need to work from home part-time or full-time should review the [Pilot Hybrid Remote Work Policy for Exempt Employees, HR-POL-2021-043](#), and seek permission in accordance with the request and approval process set forth in that policy.

### III. Policy

Due to the complexity and cost of complying with each set of state-specific laws and unique tax requirements, an employee working from an Outside-NY-Area Work Site for their own convenience is not permitted, except in limited circumstances with the prior written approval of the Vice President for Human Resources Title IX Coordinator. Accordingly, departments that wish to hire or reassign an employee to work or telecommute from outside the New York Area must seek and obtain prior written approval following the procedure established in this policy before the employee commences work for Einstein.

1. The requesting department must provide a business reason for the employee to work from outside the New York State Area by completing and submitting the “Request for Out-of-State Employee Approval Form” to the Vice President for Human Resources and Title IX Coordinator at least 90 days prior to the requested start date of the out-of-state work. Acceptable business reasons may include, for example, a research funding source’s requirement to do the research in a facility located outside the New York Area. It is important to note that mere convenience of the employee (e.g., the employee moves to another state and is no longer within commutable distance from the College) or reasons such as “this is a very good employee” or “this employee is valuable to my operation,” are not acceptable business reasons.
2. If the College is not already registered to do business in the state of the Outside-NY-Area Work Site, the Vice President for Human Resources and Title IX Coordinator, in conjunction with the Senior Counsel and the Chief Financial Officer, will undertake an assessment as to the appropriateness of establishing a College office or presence in such state, and approve the request only if deemed in the best interests of the College, at their discretion. The requesting department shall pay for all expenses relating to such assessment.
3. The requesting department also is responsible for notifying the Vice President for Human Resources and Title IX Coordinator when an employee or appointee has either returned to work in New York State or has been terminated and must send an updated personnel action form from Human Resources with the updated information on a timely basis.
4. The Human Resources department will provide the Payroll Manager and Assistant Director of Finance with a copy of the [Request for Out-of-State Employee Approval Form](#) (if approval is obtained). If the individual will be located in a state in which the College is not currently doing business, a legal opinion will need to be obtained as to whether registration is required under that state’s law. If registration is required in the new state, the Payroll Office will be authorized to complete and file necessary registration documents according to specific protocols of the state. The state will notify the Payroll Office of acceptance and effective dates. (NOTE: The process of registering to do business in another state can take six to eight weeks.) The Payroll Office will notify the department official/requestor indicated on the “Request for Out-of-State Employee Approval Form” as well as the Human Resources department of completion of registration process. The requesting department shall pay for all expenses relating to the legal opinion and registration.

5. Administrative costs are high for out-of-state employees due to the costs to ensure compliance with out-of-state laws, and, in some cases, liability for taxes or insurance purchase for unemployment, disability or other benefits. Therefore, departments will be responsible financially for legal compliance and administrative costs incurred by the College for each out-of-state employee employed by their respective department. Failure to report out-of-state employees to the College in a timely manner may also result in the assessment of other penalties by the other state, which will also be assessed to the assigning department.

**IV. Definitions**

None.

**V. Effective Date**

Effective as of: 24 August 2022

**VI. Policy Management and Responsibilities**

Einstein's Human Resources department is the Responsible Office under this Policy. Einstein's Associate Dean for Administration and Finance is the Responsible Executive, and Einstein's Vice President for Human Resources and Title IX Coordinator is the Responsible Officer for the management of this policy.

**VII. Approved (or Revised)**

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Responsible Executive	Date