



# Manager Resource Guide

*Employment Outside of  
Tennessee*

*July 2024*

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# Summary

Vanderbilt University is a residential college dedicated to providing an exceptional experience and fostering a vibrant community through in-person interactions and relationships. While the majority of our staff are expected to work on campus or in the middle Tennessee area to support in-person needs, we acknowledge that attracting top talent may require us to consider individuals located outside the Tennessee area.

Recognizing the unique circumstances that arise when employing individuals outside of Tennessee, the university understands that certain positions or business needs may require an employee to live and work within the United States but outside the state of Tennessee. Such out-of-state employment presents complexities related to employment laws, insurance, payroll requirements, and costs.

Additionally, some states may impose specific managerial efforts to handle complex time off and leave of absence requirements. Consequently, for roles that necessitate work to be performed in a state other than Tennessee, we have established a formal [Alternative Work Arrangement policy](#). This policy ensures that any deviations from the typical on-campus or middle Tennessee work arrangement are properly documented and managed.

Requests for out of state alternative work arrangements require leadership review, along with consultation from People, Culture and Belonging (via the respective [Engagement Consultant](#)), prior to approving the arrangement. Alternative work arrangements are not an entitlement, are established at the university's discretion, are to be regularly reviewed and do not change the terms and conditions of employment. All university policies, and appropriate school, division, department or office work expectations continue to apply.

All costs incurred, including legal fees to respond to and/or defend employment related charges, will be the responsibility of the hiring department/business unit.

If you have any questions about out of state employment requirements, please connect with your respective [Engagement Consultant](#) within People, Culture and Belonging.

# Employment Law Applicability

In general, employment law applicability is determined by the jurisdiction where the work is being performed. Out of state employment law considerations can include and/or impact:



***Minimum hourly wages***



***Unique overtime regulations***



***Final pay requirements***



***Classification as exempt***



***Minimum weekly salary amount***



***Meal and rest periods***



***Travel time pay***



***Travel expense reimbursement***



***Family / medical leave entitlement above  
The Federal FMLA entitlement***

Federal and state labor posters are available [here](#).

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# States that Require Advance Consultation with PCB Engagement Consultant

Any and all requests to employ someone in the following states requires advance consultation with your respective [Engagement Consultant](#) within People, Culture and Belonging:

California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington

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# Employee Classifications Eligible for Out of State Employment

Employment is open to all classifications of employees except for anyone covered under a collective bargaining agreement.

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# International Employment

Requests for international work that is expected to be performed on a regular/extended basis must be reviewed by Vanderbilt's Employee Immigration Services group and external cross border counsel. Each country has different employment, tax, and immigration laws which must be reviewed and the best course of action on how to set up an employee in the requested country must be assessed. The external counsel review can take several weeks and the cost for the review (approximately \$5k to \$7.5k) will be absorbed by the requesting department.

Businesses / work units must consult with [Employee Immigration Services](#) on issues related to current or prospective international employment.

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# Alternative Work Arrangement Roles & Responsibilities

## EMPLOYEE

Can request an alternative work arrangement, subject to the supervisor's review and approval. Employees must adhere to the terms of the approved arrangement and adhere to all university policies and procedures. Required to seek relocation approval in advance and maintain accurate home address in university systems. Employees are expected to maintain their remote workspace in a safe manner, free from hazards. Injuries sustained by employees in the course and scope of their employment while in a remote work location must be reported immediately. Non-exempt employees must accurately report all time worked and seek overtime approval in advance.

## SUPERVISOR

### Requests related to PROSPECTIVE employees

Determine if a role is suitable for remote out of state work. When/if an out of state candidate is selected, the supervisor presents the business need and candidate qualifications to the appropriate Dean, Vice Chancellor, Vice Provost or other senior leader and to the respective [Engagement Consultant](#) for review. If out of state employment for the specific candidate is approved, the supervisor will communicate to the candidate the arrangement expectations and an official offer can be structured and presented via the normal recruiting process. The supervisor is responsible for ensuring the employee receives technical resources and participates in all necessary training to function successfully.

After the prospective hire begins employment, the supervisor must –

- Formally document the out of state alternative work arrangement using the [Alternative Work Arrangement Agreement Form](#)
- Ensure the [Notice of Employee Working Outside of Tennessee form](#) is submitted
- Ensure the employee's work location in Oracle reflects the correct work state (the respective HCM can update the Oracle record if needed)
- Monitor performance to ensure the employee continues to meet expectations
- Regularly review the out of state arrangement to determine if it is still viable

## Requests related to CURRENT employees

Determine if a role is suitable for remote out of state work. The supervisor reviews request for an out of state alternative work arrangement with the appropriate Dean, Vice Chancellor, Vice Provost or other senior leader and the respective [Engagement Consultant](#).

If approved, the supervisor must –

- Formally document the out of state alternative work arrangement using the [Alternative Work Arrangement Agreement Form](#)
- Communicate the arrangement expectations
- Ensure the [Notice of Employee Working Outside of Tennessee form](#) is submitted
- Ensure the employee's work location in Oracle reflects the correct work state (the respective HCM can update the Oracle record if needed)
- Ensure the employee receives all necessary training and technical resources in order to function successfully
- Monitor performance to ensure the employee continues to meet expectations
- Regularly review the out of state arrangement to determine if it is still viable

## SCHOOL / DEPARTMENT: DEANS, VICE CHANCELLORS, VICE PROVOSTS OR OTHER SENIOR LEADER

Establish guidelines for their schools and divisions. Reviews alternative work arrangements by taking into consideration the needs of the business unit and impact to the broader university. Only arrangements consistent with both university policy and school / department guidelines should be approved.

## PCB ENGAGEMENT CONSULTANT

Assists schools/departments and other senior leaders in the review of alternative work arrangement requests by providing guidance and/or risk level assessment to comply with applicable employment laws and regulations.

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# Compensation Consideration

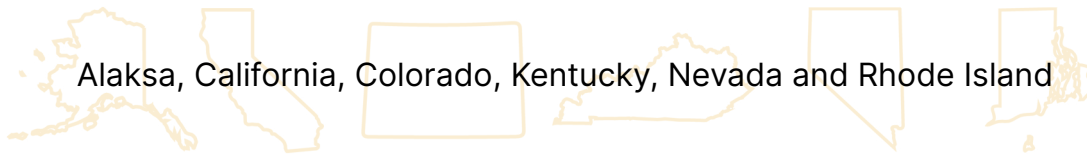
Compensation for individuals approved for an out of state alternative work arrangement is not adjusted for their work location unless necessary to be compliant with local wage and hour laws.

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# Timekeeping Considerations

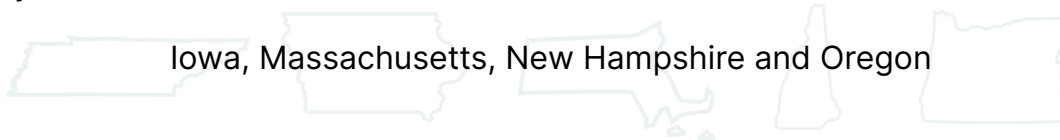
## TIMEKEEPING, OVERTIME AND HOLIDAY REQUIREMENTS

For non-exempt employees, the following states have unique overtime, timekeeping and/or holiday requirements:



Refer to the UKG (Kronos) [Quick Guide: Unique Timekeeping/Overtime Requirements](#) document for timekeeping and overtime compliance.

In addition to Tennessee, the following states allow Veterans to request time off to observe Veterans Day:



Employees who are eligible and request the day off for Veterans' Day can choose to take the day unpaid or use accrued and available Paid Time Off (PTO).

## FINAL PAY REQUIREMENTS

Some states have accelerated final payment requirements when an individual's employment ends. When an individual's employment at Vanderbilt ends, the separation must be processed in Oracle as soon as possible so final payment can be processed correctly. For a comprehensive reference guide to out of state requirements and the process for requesting an expediated final paycheck, please visit [Oracle](#).



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# Harassment Training Requirements

The following states have specific harassment training requirements that will be assigned to individuals regularly performing work in these locations:



It is the expectation all assigned trainings will be completed within the allotted time. Non-exempt employees are to be paid for time worked to complete the required training.

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## Travel Related Expenses

In general, unless otherwise required by law, an employee working outside of Tennessee will not be reimbursed for expenses incurred for travel to and from the university unless the supervisor deems the travel to be required and essential to the performance of the job.

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## Travel Time for Non-Exempt Employees (out-of-town travel)

In general, non-exempt employees are compensated at their regular hourly rate of pay for any out-of-town work-related travel that occurs during their normal scheduled shift times regardless of the day of travel. Travel that occurs outside of their normal scheduled shift times is not compensable. However, employees whose roles do not require a regular on-campus presence and are required to travel to campus from their home state, should be compensated for all travel time from their home to campus (i.e. door to door).

The university will pay for the employee's time performing work but will not pay for the employee's free time. Non-compensable time during out-of-town travel can include:

- Time spent eating meals that were not required and/or no work was performed
- Time spent at a hotel with freedom to use the time for the employee's own purposes
- Time spent sightseeing and/or attending personal non-work-related social activities
- Time spent sleeping

Travel time counts towards total hours worked for the work week and therefore can be subject to overtime calculation. Departments can flex the employee's work schedule for the remainder of the same work week in which travel occurred.

Please connect with your respective [Engagement Consultant](#) within People, Culture and Belonging to confirm the requirements based on a specific travel situation.

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# Equipment & Services

In general, unless otherwise required by law, an employee working outside of Tennessee will not be reimbursed for expenses incurred for internet or cell phone service unless otherwise required by law and/or the supervisor deems the service to be required and essential to the performance of the job.

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## Links to Helpful Related Policies/Toolkits

<b>Remote and Hybrid Work Policy for Staff</b>	<b>Remote and Hybrid Work Toolkit</b>	<b>Alternative Workplace Arrangements Toolkit &amp; Guidelines for Success</b>	<b>Electronic Communications and Information Technology Resources</b>
<b>End of Employment</b>	<b>Required Federal/Local Posters</b>	<b>Hours of Work Policy</b>	<b>States With Unique Timekeeping/Overtime Requirements UKG (Kronos) Quick Guide</b>

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# Frequently Asked Questions

1

## **Who needs to approve an out of state alternative work arrangement?**

All out of state alternative work arrangements must be approved by someone within senior leadership. This may be a Dean, Vice Chancellor, Vice Provost or possibly the Provost and/or Chancellor. Your [Engagement Consultant](#) can advise the appropriate senior leader that should approve.

2

## **If an employee is approved for an out of state alternative work arrangement, are they free to relocate to another state?**

Out of state alternative work arrangements are approved for work to be performed in one specific state. An employee can personally relocate however the employee should proactively request a new out of state arrangement for their new work state to see if it can be approved.

3

## **If a non-exempt employee lives in Kentucky or Alabama, and is required to work on campus in Tennessee regularly, are they to be compensated for their commute to/from campus?**

No. Normal commute time is not compensable. However, if they do not regularly report to campus and are required to do so for occasional training, conference, etc., they should be paid for their commute time.

4

## **How frequently should an out of state alternative work arrangement be reassessed? Do we need to document a new arrangement each time?**

Arrangements should be reassessed at least every 6 to 12 months. A new arrangement should be documented each time it is reassessed.