



Out of State Flexible Work Risk Assessment

This agreement is subject to reevaluation at the end of each semester. Sooner should either party request a review.

This information is for Deans and VPs to assess risk issues presented by employing people in other states/countries. Examples of potential issues: litigation, workers compensation, claims of discrimination, leave accruals, tax withholdings, legal advice, export controls, and international travel.

Litigation: Suits filed by the employee or by others as a result of the actions of the employee would subject the University to the jurisdiction in other states or countries. The University may not have sovereign immunity, and such or the ability to use the protections that exist in the Idaho tort claims act including caps on recovery by litigants.

Workers Compensation:

complaints against the University with the other state's (e.g., the IHRC), potentially forcing the University to respond to or require the supervisor to appear before another state's court, etc., making it more expensive for the unit to employ the person in the other states.

and specific wage requirements. There are some other requirements.

General counsel are licensed in the state of Idaho. Two of the University's attorneys are licensed in other states. The University will have to hire outside counsel to provide legal advice if the University has legal issues arise from employees working in multiple jurisdictions could result in costs associated with

Administrative Procedures Manual (APM) 4519-Export Controls
4/19

International Travel: Consult Administrative Procedures Manual (APM) 7023 University International Travel
<https://www.uidaho.edu/governance/policy/policies/apm/70/23>

Questions for the Dean/VP to consider:

- How unique is the skillset of the individual that would be working from the other state or country?
- Was an attempt made to locate candidates for this position in Idaho?
- How difficult would it be to find someone with this skillset within Idaho?

Updated 4/20/2021