

WORKER'S COMPENSATION COVERAGE FOR UMB EMPLOYEES WHO WORK OUT OF STATE

Each UMB Department Chair (or senior administrator, for units that are not academic departments) is required to promptly identify to Risk Management each UMB employee who is hired or assigned to Work Out of State. When an employee is to Work Out of State, UMB may need to take steps to secure worker's compensation insurance to protect the employee in the event of a work-related injury.

DEFINITIONS

"Employment Contract" means a faculty appointment letter, a UMB employment agreement, or the offer and acceptance of employment documented in other written form. Employment Contract includes any documents concerning permitted work at home.

"Made in the U.S.", as to an Employment Contract, means signed in the U.S. by the last party to sign it. An agreement or appointment letter signed by the University and sent overseas for signature by an employee is not *"Made in the U.S."* A contract made by exchange of e-mails is not *Made in the U.S.* if an offer is communicated electronically to a person in a foreign country, who accepts the offer by e-mail sent from the foreign country.

"Monopolistic State" is a state where employers are required to participate in a state operated workers compensation program and thus not eligible for coverage under any UMB policy. May require the school or department to register with that state's secretary of state or other entity and comply with that state's regulations, filing requirements and fee schedules for programs such as unemployment insurance. In 2010, the following states operate their own programs: North Dakota, Ohio, Washington and Wyoming.

"Travel on a Recurring Basis" is travel that is conducted at set and planned intervals, and is a condition of employment.

- *"Work Out of State"* means working outside Maryland in one or more states or U.S. territories or in a foreign country or foreign countries. Work at home is *Work Out of State* if the employee's residence is not in Maryland.

EMPLOYEE WORKING OUT OF STATE WHO REQUIRES SPECIAL COVERAGE:

An employee requires special worker's compensation coverage if the employee is:

- Assigned or permitted to work outside Maryland on a regular basis, with 50% or more of the employee's UMB job-related duties to be *Work Out of State*.

- Required to *Travel on a Recurring Basis* to other states to carry out UMB employment *responsibilities*, with 50% or more of the employee's UMB job-related duties to be *Work Out of State*.
- Assigned or permitted to perform more than 50% of the employee's UMB job-related duties as *Work Out of State* through a combination of out-of-state work place, out-of-state travel, and out of state work at home.
- Assigned to live and work in a foreign country, with 50% or more of the employee's UMB job-related duties to be performed outside the United States, unless the *Employment Contract was Made in the U.S.*

EMPLOYEE WORKING OUT OF STATE WHO DOES NOT REQUIRE SPECIAL COVERAGE:

- An employee who makes trips to foreign countries, other states, or U.S. territories, but who does not *Travel on a Recurring Basis*.
- An employee whose *Work Out of State* consists of activities while on sabbatical leave, terminal leave, faculty exchange, or inter-agency personnel assignment.
- An employee whose *Work Out of State* is attending conferences, training, and meetings.
- An employee on temporary assignment outside Maryland who is expected to return to work in Maryland and has not established a residence in another state by renting or purchasing living quarters.
- An employee hired in the U.S. and assigned overseas, if the *Employment Contract* was *Made in the U.S.*

INFORMATION REQUIRED TO ENROLL AN ELIGIBLE EMPLOYEE FOR OUT OF STATE COVERAGE:

NOTE: *All of the information listed below (except contract, letters, etc.) must be submitted electronically to Risk Management in a spreadsheet at the start of employment, or the start of an assignment which results in the employee requiring special coverage.*

- Name, UMB Empl. ID, Social Security Number, payroll title, school / department, and annual salary
- If assigned overseas, location where contract was made; i.e., if employment contract was not *Made in the U.S.*, the foreign country in which the last party signed it or accepted it electronically.
- Home address of employee at time offer was made
- States and countries where employment responsibilities are to be performed
- For each state, country, or territory, including Maryland if applicable, estimate of the number of hours to be worked in that state, country or territory during a year
- A copy of any contracts, letters, or job descriptions used to describe job-related travel required as a condition of employment.
- A copy of any written or electronic communications passing between the employee and the hiring unit which define the *Employment Contract*.

ANNUAL UPDATE REQUIRED (Annual Policy Audit):

Departments with enrolled out of state workers must:

- Verify listed employee status (if employment terminated, list end date; if new hire, list start date) including total salary and amounts allocated to each state, country or territory in which they work.
- Verify actual total salary for coverage period and how much (based on hours worked there) should be allocated to each state, country or territory.

CONTACT INFORMATION:

Workers Compensation is handled by Risk Management, located in Environmental Health and Safety, 714 West Lombard Street, Baltimore, Maryland 21201. Direct questions to:

Jeffrey Kiefer (jkiefer@af.umaryland.edu)
706-7034 (voice) 706-1520 (fax)

Angela Boxley (aboxley@af.umaryland.edu)
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Questions regarding employment status, contract issues, and other personnel questions should be referred to Patricia Ilowite Director for Compensation, Staffing and HR Service, in Human Resources.