

SOUTHWESTERN

LAW SCHOOL

Los Angeles, CA

Policy on Employees Working Primarily Outside of California

Administrative policy approved March 4, 2025. Effective immediately.

Revision history: None; new policy.

Related policies: Telecommuting and Remote Work Policy; Assigned Remote Work Expense Reimbursement Policy; Telecommuting Programs and Early Friday Release Policy; Background Check Policy; Employees and Applicants

Scheduled Review Date: December 2025 (Human Resources)

A. Purpose and Scope

This policy provides guidance (i) regarding the process of hiring employees, including student workers, who live and will work primarily outside of California (out-of-state employees); and (ii) addressing requests from current employees who plan to relocate outside of California, desire to retain their Southwestern employment, and thereby become out-of-state employees.

The policy will help ensure that hiring out-of-state employees and potentially retaining employees who relocate outside of California aligns with Southwestern Law School's strategic goals, complies with applicable laws, and appropriately allocates resources. It applies to all new hires whose primary work location will be outside California but within the United States and to current employees who intend to move outside of California but within the United States.

B. Policy Statement

While most positions will continue to be based in California, and more specifically, the Los Angeles metropolitan area, Southwestern recognizes that occasionally hiring an employee who will be based outside of California or occasionally retaining a current employee who intends to move outside of California, may be necessary or beneficial. Southwestern also acknowledges that Online J.D. Program students outside of California may seek paid positions that can be performed remotely, like Research Assistant (RA), Teaching Assistant (TA), and Dean's Fellows positions, unless prohibited by a specific law or regulation.

Before any position is posted as a fully remote position that can be filled by an individual outside of California, the hiring manager must receive prior written approval from Human Resources (HR). As used in this policy, the hiring manager for student workers is Southwestern's Financial Aid Office (FAO). Except for student workers, the Dean must also approve any fully remote position that can be filled by an individual outside of California.

Before agreeing to interview any prospective employee who will be working primarily outside of California, the hiring manager must receive prior written approval from HR (or the FAO for student workers).

Before taking any steps to interview, select, or extend an offer to a student worker, faculty must (i) send FAO the names of the proposed student workers and their job positions (e.g., RA, TA, Dean's Fellow, etc.) and (ii) obtain written approval from FAO.

Requests from current employees who intend to move outside of California and desire to continue working for Southwestern employment will rarely be approved, as most current employment positions at Southwestern have in-person responsibilities. The supervisor, HR, and the Dean must agree that the position is one that can and should be a remote position, not simply that the person at issue is a strong employee who has performed well.

Employees hired or retained under this policy may work outside of California but must reside and perform their work duties within the United States. HR must be consulted before considering any prospective employee or retaining any current employee who will live and work primarily outside the United States, as the school has a separate process for hiring these employees.

C. Procedures for Hiring Out-of-State Employees

1. HR consultations and approvals

a. Before posting

In addition to receiving general approval from the Dean or HR to fill a position, hiring managers (as noted above, the FAO for student workers) must consult with HR before any position is posted as a fully remote position that can be filled by an individual outside of California. A hiring manager may not proceed without this consultation and HR's approval.

b. Before interviewing a prospective employee who will work primarily outside of California

Hiring managers (as noted above, the FAO for student workers) must also consult with HR before interviewing any prospective employee whose primary work location will be outside of California (see Section C(2) below for information that the hiring manager must submit to HR for this consultation). An interview may not be offered or arranged without HR's approval.

2. Required information

Hiring managers must submit the following information to HR for its review and consideration of any prospective employee whose primary work location will be outside of California:

- **State:** The state in which the prospective employee will perform their work. The prospective employee must reside and work within the United States.
- **Job responsibilities:** A brief overview of the position's primary duties and responsibilities. If the position has been an in-person or hybrid position, the hiring manager must also justify why Southwestern should convert the position to a remote one.
- **Teaching responsibilities:** If the position involves teaching, whether the prospective employee will require in-person meetings with students outside of California.
- **Work location:** Whether the prospective employee will work from home and, if not, the address or location from which they will perform their work.

D. Procedures for Employees Relocating Out of California and Seeking to Retain Southwestern Employment

1. HR consultation and required information

An employee who intends to relocate outside of California and desires to retain their Southwestern employment must consult with HR. The employee must submit the following information to HR for its review and consideration:

- **State:** The state in which the employee will perform their work. The employee must reside and work within the United States.
- **Teaching responsibilities:** If the employee teaches, whether the employee will require in-person meetings with students outside of California.
- **Work location:** Whether the employee will work from home and, if not, the address or location from which they will perform their work.

2. Other consultations

HR will consult with the employee's supervisor and other relevant administrators to determine whether to approve the employee's request to retain employment (see Section E for information regarding the procedures related to this decision). HR will communicate to the employee whether the employee's request to retain Southwestern employment is approved and will modify the employee's job description as necessary.

E. General Procedures

The following procedures apply to hiring out-of-state employees and deciding whether to approve a current employee request to retain Southwestern employment after relocating out of California.

1. Demonstrating a compelling need

Out-of-state hiring decisions and relocations must be based on a compelling need that aligns with Southwestern's goals. A compelling need might exist when the role requires expertise not available locally or when hiring someone outside of California would provide a significant institutional advantage. For student workers, a compelling need might be advantageous time zone coverage, student retention, or providing opportunities for students in our Online J.D. Program.

Except for students in the Online J.D. Program, the hiring manager must justify why the role cannot be effectively performed by a California-based employee. See Section E(2) for the required cost-benefit analysis.

2. Cost-benefit analysis

Before seeking approval for an out-of-state hire, the hiring manager must complete a cost-benefit analysis in consultation with HR. HR will conduct a similar cost-benefit analysis when considering an employee's request to relocate outside California. This analysis should compare the financial and operational impacts of hiring locally versus out-of-state, including:

a. Payroll and tax implications

Consideration of state-specific payroll taxes, wage requirements, and compliance costs.

b. Benefits administration

Evaluation of variations in benefits offerings and costs based on the prospective or current employee's location.

c. Remote work infrastructure

Assessment of additional expenses, such as technology, equipment, remote work support, and additional reimbursable expenses.

d. Operational impact

Analysis of how the prospective or current employee's location may affect team collaboration, accessibility, and alignment with institutional goals.

The cost-benefit analysis must demonstrate that the out-of-state hire or out-of-state employment is financially and operationally justifiable and aligns with Southwestern's strategic priorities. Online J.D. Program students being considered for TA, RA, and Dean's Fellow positions will be approved so long as (i)

they qualify for Federal Work Study, (ii) hiring them doesn't jeopardize Southwestern's authorization or exemption to do business in a state or jurisdiction, and (iii) they successfully complete a background check, if applicable (see the *Background Check Policy: Employees and Applicants* on Southwestern's Institutional Policies webpage).

3. Case-by-case evaluation

HR will evaluate each request for out-of-state employment individually to balance the needs of the department with Southwestern's resources.

As part of this evaluation, HR will consult as needed with other departments (e.g., Online J.D. Program).

In consultation with the Dean, HR reserves the right to deny any request to (i) post a fully remote position that can be filled by an individual outside of California; (ii) hire any out-of-state prospective employee; or (iii) approve a current employee's request to retain their Southwestern employment after their relocation outside of California.

4. Compliance and documentation

HR will ensure compliance with all relevant state and federal laws for out-of-state employees.

Hiring managers or current employees intending to move outside of California are responsible for providing any necessary documentation and information requested by HR to facilitate compliance.

F. Policy Revisions

Southwestern reserves the right to change or modify any aspect of this policy and the related protocols at any time, with or without prior notice.