



Faculty Work from Outside the U.S. **February 1, 2023**

Why is the University interested in where employees are working?

Penn State is a global university and values international engagement. The business needs of University programs sometimes require Penn State faculty members to travel and undertake work from non-U.S. locations, including academic and research activity abroad.

While global engagement advances Penn State's mission, Penn State is a U.S.-based employer and expects employees to be engaged in their campus communities. In addition, Penn State takes very seriously its obligations to comply with all laws applicable to working outside the United States. If not properly structured, these international activities may create various regulatory and tax obligations for both the University and the individual employees. Penn State's obligations may be applicable regardless of the type of visa the employee holds (such as a tourist visa) or whether the employee has any tax obligations of their own, and are dependent upon many factors, including factors related to the employee's residence in the country, the employee's citizenship, how many Penn State employees are working in the country, the duration of the employee's stay in the country, where the employee is physically doing the work, and more.

This guidance applies to full-time tenured, tenure-line, and non-tenure-line faculty members.

Types of work from outside the U.S.

There are two types of faculty work from outside the U.S. that may be permitted:

1. Short-term, mission-critical, University-affiliated travel outside the U.S.

Mission critical, University-affiliated travel is that which is undertaken on behalf of Penn State, as a representative of Penn State, and/or in the capacity of a Penn State employee and that must be accomplished in the destination country rather than in the U.S. Examples include conducting research, holding a visiting appointment, attending a conference, and undertaking capacity-building work with a government or organization outside the U.S. During the appointment period, this work does not include remote teaching, or other University-directed work that can be conducted in the U.S., while on personal travel outside the U.S.

2. Faculty remote work outside the appointment period from a non-U.S. location

When approved by a unit executive (dean/chancellor) and subject to other applicable University policies, procedures, and approvals, faculty who are outside of their regular appointment period (typically 36 or 48 weeks) **and who are receiving supplemental pay** from the University for additional work may elect to engage in that work remotely through online or virtual platforms (e.g., teaching a summer online course from a personal location abroad) while on temporary personal travel outside the U.S. Personal travel is travel that is not business-related; travel not funded or reimbursed by the University; and where there is no Penn State business reason for the faculty member to be located outside the United States. Please note the following:

- This does not apply to independent activities in which faculty might engage outside of their appointment period and without funds administered through the University (see “Exceptions” below).
- Faculty drawing summer salary from the University under sponsored projects should notify their unit executive about any planned work from a non-U.S. location to ensure compliance with all sponsor and other requirements.
- All requests to teach from a non-U.S. location outside of the appointment period must be forwarded by the unit executive to the Office of Faculty Affairs for final approval.

Time limits associated with work from outside the U.S.

Contingent upon compliance with other University policies, procedures, and approvals, employees may engage in work from outside the U.S., as described above, **for no more than 30 days during the appointment period and for a maximum of 90 days** (continuous or not) in a rolling 1-year period. It is the responsibility of the faculty member to inform their academic unit head when they plan to engage in work from outside the U.S. The University (e.g., unit executives, the Travel Safety Network, the Provost, Export Control) may, at its discretion, disallow the planned work or may apply a time period shorter than 30/90 days.

Regardless of the reason for the travel or the type of work being performed, individual travelers must understand that each country maintains its own rules and requirements; even working less than 90 days in certain countries (and depending on the circumstances of travel) could trigger regulatory, tax, visa, and other obligations of the individual and the University. All University-affiliated travel must be registered in the TSN and may be denied by the University at its discretion.

If a faculty member exceeds the 30- or 90-day time limits specified in this guidance and has not received advance permission to do so (see “Work from non-U.S. locations for an extended period,” below) then they will be placed on an unpaid administrative leave until they return to the U.S.

Work from non-U.S. locations for an extended period

Occasionally the University may, at its discretion, consider permitting extended periods of University-affiliated travel outside the U.S., or of remote work from non-U.S. locations, that exceeds the time periods listed above in situations where there is a compelling University business justification for such an arrangement, or in other exceptional situations.

If you wish to request to work outside the U.S. for more than 30 days during the appointment period or more than 90 days in total during a rolling 1-year period, you must complete the Faculty Remote Work Proposal and Agreement form outlining the compelling University business justification or other exceptional circumstance. If the unit executive endorses the request, then they will forward the request to the Office of the Vice Provost for Faculty Affairs for review and a final decision. Because of the significant effort required to determine the feasibility of a request to work from outside the U.S. for an extended period, it is best to make a request at least 90 days before the travel begins or as soon as you become aware of a work-related, mission-critical need to travel outside the U.S. Any requests made less than 90 days before the travel begins may not be reviewed or approved in time for your scheduled travel.

Exceptions to this guidance

The guidance described above does not apply to the following situations:

- *Faculty members on a sabbatical, Fulbright, and similar formal study leave.* These are leaves from the University in which faculty are engaged in self-directed work rather than University-directed work.
- *Faculty teaching a Penn State course outside of the U.S. through Education Abroad.* These faculty follow the approval processes in Penn State Global.
- *Activities in which faculty might engage outside of the appointment period and without University funds (compensation or reimbursement).* Faculty members are encouraged to consult Policy [AC80](#) for further information about Outside Professional Activities that are permitted to occur both during and outside the appointment period. All faculty traveling internationally are responsible for complying with any applicable requirements regarding visas, export control, internet usage, etc.

Conditions of Travel

All Penn State-affiliated faculty travel is subject to review and approval by the faculty member's unit and to other University policies, procedures, and approvals related to travel. Any Penn State-affiliated travel outside the U.S. must comply with the University's business travel policies, including TR01 International Travel Requirements, and travelers must register with the Travel Safety Network (TSN) regardless of the funding source. All employees traveling internationally must comply with applicable requirements regarding visas, export control, and information technology.

Contact

Individuals with questions about work from outside the U.S. should first contact their academic unit head or their HRSP. Questions or concerns can be elevated to the unit executive or the Office of the Vice Provost for Faculty Affairs (vpfa@psu.edu) as warranted.

Frequently Asked Questions

Do the time periods listed in this document include weekends?

Yes. The time periods include the total number of days during which an employee is in a non-U.S. location and is engaged in either University-affiliated travel or remote work during personal travel, even days on which a faculty member is not working. For example, if an employee is traveling to Germany from January 1-20 to conduct research, this would be considered 20 days of travel toward the 30-day/90-day maximum, even if the employee is not conducting research on every one of those days.

Does personal travel outside the U.S. during which I am not working “count” toward the 30-day/90-day maximum?

No. Only travel during which work is taking place counts toward the 30-day/90-day maximum. Personal travel *during which an employee is doing no remote work* does not count toward the 90-day maximum. Keep in mind, however, that once you have exhausted the 30-day/90-day period, you will be unable to engage in any work, including teaching, during the time of your personal travel. Remote teaching, virtual meeting attendance, and other University-directed activities are considered to be remote work.

May I utilize independent contractors outside the U.S. to teach or perform other work in my unit?

Units may not employ independent contractor arrangements to hire instructors residing either inside or outside of the U.S. Instructors teaching credit courses must be hired as employees in conformity with the current hiring and compensation practice for resident instructors and in compliance with legal and regulatory guidance. Any unit that encounters an exceptional circumstance that, in the estimation of the dean or chancellor, requires the prospective instructor to be appointed as an independent contractor should make an exception request to the Office of the Vice Provost for Faculty Affairs outlining the compelling reasons why a standard, part-time employment contract cannot be extended and why no other individual can be hired in place of the prospective instructor.