

BYU Frequently asked Questions About Out-of-State/Country Research

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1. *What are the issues related to hiring students or non-students to work on research in a state other than Utah?*

State employment laws vary dramatically. Some states impose local regulations immediately while others have grace periods or earning thresholds. Regulatory Accounting and Reporting (Kevin Walker, 801-422-6639) can help identify the risks of noncompliance. Moreover, state laws for issues such as background checks may require coordination with the BYU Legal Department. Because noncompliance risks are borne by the hiring departments, the decision whether to proceed rests with the individual academic units, provided there are no concerns from the Office of the Academic Vice President.

2. *Does the hiring duration make a difference?*

Generally, the longer the duration of the project the greater the compliance risks. All projects expected to last longer than four months (or one semester) must be discussed with Regulatory Accounting and Reporting (and Legal, if applicable) before work begins.

3. *What are the issues related to hiring personnel internationally?*

Just like states, country employment laws vary. In some cases, BYU has hired foreign agents to procure local services; BYU usually considers the agent to be the employer in this situation, but this is not always an option. In addition, there could be international legal issues that require the involvement of the BYU Legal Department. Accordingly, the same principles as are described in 1 and 2, above, apply for international research/activities.

4. *Can noncompliance risks be avoided by hiring personnel as independent contractors rather than employees?*

It is true that hiring an independent contractor helps avoid employment challenges. However, determination of whether an individual qualifies as an independent contractor or an employee is one of the most complex and challenging issues in employment law. Factors such as whether the individual is paid hourly, performs work normally done by employees, is supervised by BYU personnel, has other clients, is provided BYU facilities and equipment, or is properly licensed can be determining factors. Before an individual can be hired as an independent contractor, the hiring department must receive approval from Human Resources (Denise Haney, 801-422-6877) or Regulatory Accounting (Kevin Walker, 801-422-6639).

5. *Can Travel/Purchasing/Corporate card limits be increased to meet research project needs?*

Yes. We often increase card limits to meet university needs. Travel cards have preset limits of \$500/month for supplies; typically, Purchasing and Corporate (a combined Travel and Purchasing card) cards have \$2,500/transaction preset limits. College Controllers can work with the Purchasing Department to increase the per-transaction and monthly limits.

6. *When and how should cash needs be managed for international activities?*

Travel Services can enable Travel or Corporate Cards to allow ATM use. In addition, Treasury Services can assist in facilitating cash transfers through local banks at or near the research/activity location. In rare circumstances, where local cash options are not available, requests can be made to carry cash to the project destination. This situation, however, creates significant safety risks and possibly regulatory risks; when amounts exceed \$10,000, approval of the BYU International Vice President (Sandra Rogers) and coordination with the University Treasurer (Richard White) is required.