



Remote Work Arrangement (RWA)

Guidelines and Expectations

Remote Work is an authorized work arrangement that allows an employee to conduct on a regular basis all or some institutional business at a place other than the employee's regular or assigned temporary place of employment during all or a portion of the employee's established work hours.

GUIDELINES AND EXPECTATIONS FOR RWAs:

- a) All RWAs must be approved before being implemented.
- b) Supervisors have the discretion to not allow any type of RWA for any position in their unit, even if the position could be performed remotely. An employee does not have the authority to decide on their own if they want to work remotely or if their position is eligible to work remotely. Only the supervisor(s) may approve a RWA in accordance with established criteria and protocols as defined by UT Tyler.
- c) Depending on the role and unit, remote workers may be accommodated with shared workstations ("hoteling") rather than a dedicated or private workspace on campus. Supervisors should identify appropriate workspace for remote employees when they need to report to campus.

APPROVAL PROCESS:

All remote work requests must be approved by the employee's supervisor, the respective vice president, and the Chief Human Resources Officer, or their designee.

GUIDANCE FOR SUPERVISORS

Communication is key to a productive remote work arrangement. Supervisors should set clear and consistent expectations with employees performing work remotely. Before permitting employees to work remotely, supervisors should take the following steps:

1. Determine which positions are eligible

Leadership should review the positions in their department and determine which (if any) are suited for remote work. The criterion for determining if a position is eligible for remote work is if it meets policy and the operational business needs of the department. The arrangement must align with the office or department's culture and goals, including productivity, cost-effectiveness, and service to internal and external customers and stakeholders. Eligibility may vary for different types of arrangements because some options may not be appropriate for all positions.

2. Setting expectations

- a) RWAs should not be approved to permit an employee to work at other jobs or run their own businesses. Please refer to the **Conflict of Interest** policy and process in such situations.

- b) Employees are **not** to provide primary care for children or for elderly adults, who would otherwise require the care of a nurse, at the remote work site.
- c) Supervisors and employees must discuss what duties and assignments will be performed remotely. In some instances, employees may not be able to carry out all expected duties from home and, therefore, a RWA is not appropriate.
- d) A plan should be developed outlining scheduled times for supervisors and employees to communicate directly with each other. Examples include a daily check-in, being responsive to emails and other collaborative tools for communication, a weekly conference meeting, etc.
- e) Consider how your operational objectives and departmental functions and processes dictate the department schedule and serving the campus community, guests, and visitors. For example, the expectations of your unit might be:
 - i. Telephone/front desk coverage must be in-person five days a week, from 8 a.m. to 5 p.m.
 - ii. Everyone must attend weekly staff meetings on campus and/or virtual;
 - iii. Everyone must be available for a weekly status report discussion at an agreed upon time.
 - iv. Everyone must be reachable by phone, text, and other collaborative tools for communication, and/or email during regular business hours.
- f) Employees must have the appropriate equipment and technological access to ensure duties can be completed remotely. Regardless of physical work location, all employees remain subject to UT Tyler policy, Information Security and Acceptable Use. This policy defines protection of UT Tyler information assets, regardless of whether accessed from UT Tyler - owned or personally owned equipment.
- g) Employees working remotely must abide by all UT Tyler policies, follow safety protocols, adhere to recordkeeping and payroll practices, maintain confidentiality and take measures to achieve information security and prevent unauthorized access to UT Tyler information.

3. Establish core business hours even if on RWA

Core business hours are determined by the supervisor/ division leadership for the department who sets the expectation of when all employees should be available to customers and colleagues.

4. An alternative schedule or change to RWA

- a) A RWA does not mean the employee can set their own work hours. Supervisors must establish the core work hours and manage alterations to the schedule as they would if the employee was working on campus.
- b) If the RWA is a hybrid of working on campus and remotely, supervisors must determine the number of allowable remote days and how those will be scheduled (i.e. on a fixed schedule or a flexible schedule based on the week or workload).

GUIDELINES AND EXPECTATIONS FOR OUT OF STATE RWAs

Beginning December 1, 2023, out of state RWA can be approved for any state not on the restricted or limited list.

Restricted and Limited Locations are maintained directly on the HR Remote Work website.

IMPACT TO EMPLOYEE IF WORKING OUT OF STATE

- a) The University must apply all state and local tax and employment requirements of the city and state for which the employee resides and is performing work. This may result in additional personal or state taxes to the employee, impact the level of coverage of benefits and co-pays/out-of-pocket expenses, impact FMLA and other leave options, worker's compensation coverage and other related laws and regulations.
- b) Employees are responsible for being informed and aware of any personal impact to their tax status, employment status, benefit coverage, worker's compensation coverage and all other state, local or federal laws or requirements that apply to their out of state address of residence while in RWA status.

Examples of potential impact to the employee include, but may not be limited to, the following if residing and working outside of Texas:

- o Impact to employment status:
 - FMLA, ACA, sick leave, vacation, termination of employment, etc., requirements vary from state to state. These aspects of employment may be handled differently than employees who perform their work in Texas.
 - UTT must register as an employer with that state for unemployment insurance.
- o Impact to employee's immigration status:
 - An employee's immigration status may be impacted if they reside and work outside of the Tyler area.
 - The Department of Homeland Security determines the geographical area for residence if an employee is on an immigration visa.
- o Impact to employee's benefit coverage:
 - UT SELECT Health insurance In-area network benefits applies to eligible employees residing in Texas, New Mexico and Washington, D.C.
 - Out-of-area network benefits applies to employees residing in states not mentioned above. This could result in higher co-pays or co-insurance, or may have other impact to coverage. Refer to the UT SELECT Medical Plan Guide and the HR Benefits website. Questions? Email benefits@uttyler.edu.

IMPACT TO UT TYLER FOR OUT OF STATE WORKERS

- a) Payroll tax and employment laws. The University must abide by the laws and regulations of the state in which the work is performed. This can be complicated depending on the state and can impact everything from the amount of taxes taken out of the paycheck, eligibility for FMLA, sick leave, vacation, certain requirements on how employment matters are resolved, termination process, required notice periods, etc. Many states have stricter employment and tax laws than

Texas, and once the University permits the employee to perform work in that state, UT Tyler agrees to comply with that state's laws.

- b) Worker's compensation. Employees who have received prior authorization for an out-of-state RWA and who are subsequently injured during the course and scope of employment while working remotely may be eligible to file a workers' compensation claim. Out-of-state workers' compensation claims are subject to the laws of the state where the work was performed. Employees and supervisors should follow the appropriate workers' compensation guidelines.
- c) Unemployment insurance. For any state in which employees perform work, the University must register as an employer. If the employee files for unemployment, they would be eligible for benefits as defined by that state, not Texas. The amount granted and the duration of coverage vary from state to state, plus eligibility criteria and requirements of the employee and employer vary.
- d) Immigration status may be impacted if working outside the Tyler area. This is a Department of Homeland Security (DHS) designation as anyone working at the University on an immigration visa is restricted as to where they may reside. For those working at the University, DHS has defined Tyler as the acceptable geographical region for residence. A location outside of Tyler has to be reported to and approved by DHS or the employee will be out of compliance and their visa could be revoked. This requirement applies to even short-term arrangements.