



Remote Work Arrangement (RWA)

Guidelines and Expectations

Telecommuting, or working in a remote location off university property, is an authorized work arrangement that involves an employee to routinely working one or more days per week at a location that is not the regularly assigned place of employment on university property.

DEFINING REMOTE WORK LOCATION

A remote work location is defined as the designated work location for faculty and staff that is not a University of Texas at Tyler or University of Texas Health Science Center at Tyler (UTT/UTHSCT) owned or leased building or facility. In general, the remote work location is the employee's place of residence; however, the designated location may be dependent upon other relevant factors.

- a) Having a remote work arrangement approved does not mean the employee is no longer expected to report to campus or the designated UTT / UTHSCT facility. The employee may still be required to report to the designated UTT / UTHSCT location depending on operational or business needs, special events, etc.
- b) A RWA is required if the employee will routinely work remotely or for a hybrid approach of working remotely and working on campus or at a designed UTT / UTHSCT facility.

RWA Assessment

A supervisor should not expect every employee to be accepting of or desiring a RWA, especially if the employee did not request to work remotely. Supervisors may consider that remote work be partially implemented, with some time spent in-person and some work performed remotely. The variety of work positions, and the variety of people occupying those positions, suggest that concerns should be addressed in advance in consultation with HR.

GUIDELINES AND EXPECTATIONS FOR IN STATE RWAS:

- a) All RWAs must be pre-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 UTT / UTHSCT, and division leadership.
- c) The employee is responsible for any travel-related costs when coming to campus. UTT / UTHSCT will not reimburse for gas, mileage, tolls, or other travel expenses if working remotely.
- d) Remote employees are responsible for providing a secure and appropriate level of internet connectivity at their remote work location. Remote employees will not receive reimbursement

- or additional compensation to maintain this connectivity. If an employee cannot provide an appropriate level of internet connectivity and security, they will not be eligible for remote work.
- e) Worker's Compensation. Employees who have received prior authorization for a 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. Employees and supervisors should follow the appropriate workers' compensation guidelines.
 - f) 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.
 - g) A RWA may impose additional technology costs for the employee. For example, employees engaging in remote work are responsible for obtaining reliable Internet access at their own expense. If UTT / UTHSCT technology equipment must be shipped to the UTT / UTHSCT campus, the expense of shipment will be the employee's responsibility.

CRITERIA FOR APPROVING AN RWA

- a) Job Duties and Requirements - Supervisors should focus on the job duties, operational needs, and expectations of each position itself, rather than solely focusing on the employee occupying the position. Business needs and expectations to serve the campus community are given priority consideration.
- b) Performance - Supervisors should not approve a RWA if performance, behavior, attendance, or other work-related concerns exist that may impact the employee's ability to be successful in a remote work environment.
- c) Length of Agreement - RWAs may be granted for up to 6 months and with an option to renew. RWAs may be revoked or amended with a two week notice to the employee and the University.

APPROVAL PROCESS:

All in-state (Texas) RWA requests will be approved at the discretion of the division leadership and the Chief Human Resources Officer, or their designee, in accordance with specific criteria and protocols, and those defined by UTT / UTHSCT.

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 for RWA

Leadership should review the positions in their department and determine which (if any) are suited for remote work. Without this step, there is a risk that decisions to approve remote work may be perceived as arbitrary. The primary criterion for determining if a position is eligible for remote work is if it meets 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 including but not limited to:

- Positions that require a physical presence on campus to perform the job duties;
- Employees whose documented performance has not demonstrated the skills and qualities necessary to succeed in the proposed remote work environment;
- Positions that are primarily performed in-person and/or are customer facing.

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 telecommuting 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. If work duties will be altered, the supervisor is responsible for creating a plan to address how those specific tasks, special projects or assignments will be completed.
- 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, guest 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 via video;
 - iii. Everyone must be available for a weekly status report discussion at an agreed upon time.
 - iv. Everyone must be reachable by phone, text, 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 UTT / UTHSCT policy, Information Security and Acceptable Use. This policy defines protection of UTT / UTHSCT information assets, regardless of whether accessed from UTT / UTHSCT-owned or personally owned equipment.
- g) Employees working remotely must abide by all UTT / UTHSCT policies, follow safety protocols, adhere to recordkeeping and payroll practices, maintain confidentiality and take measures to achieve information security and prevent unauthorized access to UTT / UTHSCT 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 (Applies to only UTT employees)

Beginning December 1, 2023, out of state RWA can be approved for any state not on the restricted or limited list. Out of state RWA are prohibited for employees of the UT Tyler Health Science Center campus.

Restricted and Limited Locations:

Due to state and/or local employment laws, states in which are listed below by the University and that are categorized as “restricted” shall be banned from remote work availability. States which are listed below and that are categorized as “limited” may be considered for remote work availability and only approved for mission critical or hard to fill positions.

RESTRICTED:

California, Colorado, Connecticut, District of Colombia, Illinois, Maine, Massachusetts, Minnesota, New York, Oregon, Pennsylvania**, Rhode Island, and Washington

**Non-exempt staff are not permitted to work remotely for any length of time in Pennsylvania due to state employment laws.

LIMITED:

Delaware, Hawaii, Maryland, Michigan, Montana, New Jersey, Pennsylvania, and Vermont

***Additional cost to department – In order to comply with the various state regulations, associated with an out of state RWA, an administrative fee per employee will be charged annually to the home department for states considered limited. The rate is \$2000.**

Factors to consider for out of state RWAs

The expectations and guidelines used in determining if a position is eligible for an in state RWA also applies to out of state RWAs.

- a) Out of state restrictions/requirements do not apply to summer research projects, short- term and temporary living arrangements or visits. Episodic work (days or a few weeks) or short-term faculty summer research projects (i.e., 3-4 months) where work is performed outside of Texas on a limited or temporary basis is permitted.

- b) An on-going out of state RWA may not be feasible or appropriate based on the position. The employee may be required to return to campus to perform their work duties at any time.
- c) The employee is responsible for any travel related cost when coming to campus. The University will not reimburse for gas, mileage, tolls, or other travel expenses if working remotely.
- d) The location of where the work is performed, not just the place of residence, is a key factor in determining if work is performed out of state. An employee who lives out of state but performs work in state is not in an out of state RWA.
- e) P.O. Box **does not** qualify as a residence. Employees must provide their residential address to the University if requesting a RWA.

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.

- UT CONNECT Medical Plan network is only available within the North Texas Area; only emergency medical coverage will be available out of state.

IMPACT TO UTT 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, UTT 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.

APPROVAL PROCESS FOR OUT OF STATE RWA REQUESTS

- a) All RWA requests where the employee will perform their duties outside of Texas will be approved at the discretion of the unit/school/division leadership/supervisor and require executive level approval. Out of state RWAs will only be approved for mission critical positions and subject to an annual review and approval process.
- b) Remote work arrangements for locations outside of the United States are **not** considered at this time and will **not** be approved.