



## President's Council Guidelines & Protocols

<b>Protocol/Guideline Title:</b> Out-of-State Performance of Primary Work Duties		
<b>Responsible Office:</b> Human Resources/Payroll		
<b>Date Approved by President's Council:</b> 11/15/2018		
<b>UVU Web Host Page:</b> <a href="http://uvu.edu/hr">uvu.edu/hr</a>		
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*The following is not official university policy but rather a guideline used to facilitate the internal actions of the University or a particular unit within the University. Guidelines are not binding on the University and may be amended by the University at any time. A guideline, such as the one to follow, does not establish any contractual rights or obligations between the University and any individual.*

# President's Council Guidelines & Protocols

## Executive Summary

As employment, compensation, and payroll tax laws vary by individual state (and, in some cases, by county and city), employing individuals to perform university work outside of the State of Utah increases costs of compliance for the University and for individual employees. This document formalizes the University's restrictions on employees performing their primary work duties outside of the State of Utah.

## Related University Policies

UVU Policy 321 *Employment Classifications and Work Limits*

UVU Policy 332 *Work-at-Home*

UVU Policy 639 *Adjunct Faculty*

## Definitions

**Adjunct faculty:** A faculty member who is hired on a semester basis, is listed as the instructor of record on a credit class, and is paid on a per-course rate.

**Full-time employee:** An employee (faculty, staff, or executive) hired into a position in which the University has a reasonable belief that the employee will work at least 130 hours per month (30 hours per week) in a 12-month measurement period.

**Variable hour employee:** An employee hired into a position in which the University has a reasonable belief that the employee will work less than 130 hours per month (30 hours per week) in a 12-month measurement period.

## Restrictions on Out-of-State Performance of Primary Work Duties

Utah Valley University is a body politic of the State of Utah and operates campuses and instructional sites within the State of Utah. At present, UVU operates no locations outside of the State of Utah and is not registered as a business entity outside of the State of Utah. As such, UVU restricts out-of-state telecommuting/working from home. Failure to comply with this guideline may lead to disqualification from employment, and/or disciplinary action up to and including termination.

### Full-time employees

All full-time UVU employees are expected to and may only perform their primary work duties within the State of Utah. The University does not require full-time employees to reside in Utah but does require university work responsibilities be performed in Utah. Full-time employees who do not provide UVU's Human Resources Office with a Utah home address (a PO box address is not acceptable) will be required to certify annually in writing that all work responsibilities for the University are performed in Utah.

This guideline does not restrict full-time employees from traveling outside of Utah on authorized university business (such as conferences, co-curricular/extra-curricular activities, study abroad, recruitment, performances, fundraising, etc.). This guideline also does not apply to employees on approved sabbatical leave (a benefit) who are relieved from primary work duties.

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Annually, Human Resources will require supervisors to certify that any full-time employees authorized to work from home are performing their work in Utah. In between such certifications, supervisors who learn that their employees may be performing their primary work duties outside of Utah must promptly report this issue to the Associate Vice President of Human Resources. Failure to do so, or to otherwise enforce this guideline, may lead to disciplinary action for the supervisor.

If an employee chooses to leave Utah for an extended period of time for personal reasons (such as family medical leave, child care, etc.), the employee may request appropriate paid and/or unpaid leave and may not perform primary work duties outside of Utah during such leave.

### Adjunct faculty

Adjunct faculty employed by UVU are expected to and may only perform their primary work duties within the State of Utah. The University does not require adjunct faculty to reside in Utah but does require university work responsibilities be performed in Utah.

In the event a qualified adjunct faculty cannot be found who can perform their duties in Utah, the department may hire an adjunct faculty member through an HR-approved third-party temporary employment service to allow the work to be performed outside of Utah but within the United States, in accordance with the following guidelines:

- 1) The Senior Vice President for Academic Affairs and the Associate Vice President of Human Resources (or their designees) must approve the request prior to hiring the adjunct faculty through a third-party temporary employment service.
- 2) Adjunct faculty may only be hired to telecommute in states where the third-party temporary employment service has a presence.
- 3) The department hiring an adjunct faculty through a third-party temporary employment service is responsible for all costs incurred for that service. Typically, these costs include the wages to be paid to the adjunct faculty plus fees assessed as a portion of wages paid.
- 4) The use of a third-party temporary employment service is subject to UVU procurement policies and practices.
- 5) Approval to hire an adjunct faculty who performs their primary duties outside of Utah may be revoked at any time, at the sole discretion of the University.

### Variable hour employees (part-time faculty, staff, and students)

Variable hour employees (part-time faculty, staff, and students) are expected to and may only perform their primary work duties within the State of Utah.

The University does not require variable hour employees to reside in Utah but does require university work responsibilities be performed in Utah.

HISTORY		
November 15, 2018	Approved for implementation	President’s Council