

TELECOMMUTE- REMOTE WORK GUIDELINES

I. Summary

UC Santa Barbara's Telecommute- Remote Work guidelines ensure compliance with applicable UC policies and state and federal laws in support of employees working remotely or telecommuting. In some circumstances, allowing an employee to telecommute or work remotely can be mutually beneficial to both the institution and the employee. In other circumstances, the nature of the position and/or the availability of work space at the UCSB worksite, may require employees to work at alternate work locations. These guidelines are applicable to all staff employees who are approved or required to work at an alternate location other than on the campus or on University-owned or leased property (UCSB worksite).

II. Definitions

- A. Telecommuting:** Telecommuting is a work arrangement that allows an eligible employee to work one or more days at an alternate location instead of commuting to a UCSB work site. The telecommuting arrangement can be a set schedule or variable/upon request. Telecommuting employees have an assigned work location, e.g., office or cubicle, at a UCSB worksite.
- B. Remote Work:** Remote work allows an eligible employee to work entirely at an alternate work location other than a UCSB worksite. In most cases, this is the employee's home. Remote work can occur in the Santa Barbara region, anywhere in the State of California or in the United States. In most situations, the employee will not have an assigned UCSB worksite, e.g., individual office or cubicle. Where the employee is originally hired to work remotely, the employee may not have the option to discontinue the remote work arrangement and request a work location at a UCSB worksite without the agreement of the hiring department.
- C. Exempt Employees:** Exempt employees are defined as employees who, based on duties performed and the manner of compensation, are exempt from the Fair Labor Standards Act (FLSA) minimum wage and overtime provisions. Exempt employees are paid an established monthly salary and are expected to fulfill the duties of their position(s) regardless of hours worked. Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes. Exempt titles are identified in University wide title and pay plans.
- D. Non-Exempt Employees:** Non-exempt employees are defined as employees who, based on duties performed and the manner of compensation, are subject to all FLSA provisions. Non-exempt employees are required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours at the premium (time-and-one-half) rate. Non-exempt titles are identified in University wide title and pay plans.

III. References

[Personnel Policies for Staff Members Policy 30 Compensation](#)

[Applicable Collective Bargaining Agreements](#)

[Electronic Communications Policy](#)

[UCOP Internet Technology Policies and Guidelines](#)

[BFB-G-28 Travel Regulations](#)

[BFB-G-46: Guidelines for the Purchase and Use of Cellular and Other Portable Electronic Resources](#)

IV. Determination of Eligibility

Approval of an employee to work remotely or telecommute is at the sole discretion of management. There are several factors that management must consider prior to approving an alternate work location including type of employee, type of work performed and location of the alternate worksite. The manager should also consider the operational needs of the department and the impact of the decision on other employees working in the same unit.

A. Type of Employee Position

In general, regular status career, contract or limited employees in exempt positions may be approved to work remotely or telecommute.

Career, contract or limited status employees in a non-exempt position are generally not appropriate types of employees to approve for an alternate work location. If a department wishes to hire or approve an employee in a non-exempt position to work remotely or telecommute, the department should contact the HR Employment unit to discuss the potential risks and identify sufficient controls that will need to be in place to ensure compliance with applicable time reporting and overtime requirements in managing the non-exempt employee at an alternate work location in accordance with UC policies and state and federal law.

Department heads, managers or supervisors with responsibilities that include direct supervision of staff and departmental operations are generally not appropriate to approve for alternate work locations. In addition, newly hired, probationary or trainee-level career employees generally should not be approved for an alternate work location.

B. Type of Work Performed

The type of work that an employee performs is also a factor in determining the appropriateness of approving an alternate work location. In general, job duties that involve analytical work, research, advising or computer-oriented duties (data entry, web page design, word processing, programming) may be the most appropriate types of work to be performed at an alternate work location. Job duties that are unsuitable to be performed at an alternate work location include duties that require in-person interaction, direct supervision or access to material that cannot leave University property, e.g., protected or confidential data or documents.

Regardless of the type of work performed, the employee must be able to fully perform the job duties during scheduled hours of work. The employee must have a satisfactory or better performance rating and a good attendance record. Employees should not be approved to telecommute or remote work in response to an inability to get to work on time or consistently. Employees should also not be approved to work at an alternate work location so that they are able to provide child care or other caregiving at the same time they are expected to perform their assigned duties.

C. Location of Alternate Worksite

In general, career, contract or limited status employees may work in alternate locations in the Santa Barbara region, within the State of California or in another state within the United States. While UC Policies and California laws apply to employees working in the Santa Barbara region and within the State of California, these same policies and laws may not apply to employees working in another State or outside of the United States.

1. Work Location in a State other than California. An employee who has a work location out of California may be deemed to be physically based in that other state, most likely in remote work situations, and be entitled to the benefits of the state labor and employment laws where he or she works. Employees working remotely in a state other than California must log onto the [UCPath Portal](#), select “Payroll” under the “Forms Library”, and update their *Out-of-State Tax Withholding* (click [here](#) for further instructions).

If a department has questions regarding state specific laws, the department should contact the HR Employment Unit for referral to University counsel and/or referral to external legal advisory services.

2. Work Location Outside the United States. The risks for the University and the costs associated with ensuring compliance with a foreign country’s employment and tax laws most typically outweighs the benefits of allowing an employee to work at an alternate work location outside of the United States. The risk and potential costs to the institution exist even if the employee is requesting to temporarily work at an alternate location outside of the United States. If a department wishes to allow a career, contract or limited status employee to work in an alternate work location outside of the United States, the department must contact the Human Resources (HR) Employment Manager for review of the decision prior to approval or implementation. The HR Employment Manager may refer the manager to University Counsel for review and further discussion before a final decision is reached. Control Point approval may also be required.

D. Requests for Reasonable Accommodation

In some instances, an employee may request an alternate work location as a reasonable accommodation due to a qualifying medical condition. This type of request does not fall within scope of these guidelines. Upon receiving such a request, that manager should review the information on the Disability Services website at: <http://www.hr.ucsb.edu/disability> Disability Services can assist the manager in determining whether an alternate work location is appropriate as a reasonable accommodation pursuant to applicable UC policies and procedures, collective bargaining agreements and/or the Americans with Disabilities Act (ADA) and the ADA Amendments Act.

V. Implementation Procedures

Upon receiving a request from an employee to telecommute or work remotely, the department manager or supervisor should determine if employee is eligible (see Section IV above) and also evaluate whether the arrangement meets the operational needs of the department. If the manager supports the request and additional review or approvals, if any, the employee should complete the required documents below. If a department wishes to recruit an employee to work remotely, the department should first follow the recruitment procedures outlined below.

A. Required Documents for All Alternate Work Location Arrangements

1. [Telecommute-Remote Work Agreement](#). Department managers should approve the request to telecommute or work remotely for a defined period of time. Managers are discouraged from approving an employee's request to telecommute or work remotely for an indefinite period of time. An employee may submit a new request to telecommute or work remotely upon expiration of an existing agreement.
2. [Home Office Checklist](#). The employee is responsible for ensuring a clean, safe, and ergonomically sound work space in the alternate worksite as a condition for telecommuting or working remotely.
3. [Cybersecurity Checklist for Telecommuting & Remote Work](#). The employee is responsible for ensuring cybersecurity as a condition of approval to telecommute or work remotely.

B. Mandated Employment Notices & Posters- Remote Workers Only

Employees who work remotely should be provided with the legally required mandatory employment notices and posters. The employee is responsible for posting these documents at the alternate work location. (Employees who telecommute have access to these mandatory posters and pamphlets in their UCSB worksite and, therefore, do not need to be provided this information.)

1. **Employees Working Remotely in California.** Managers must provide employees working remotely in California with the following link to Mandatory Employment Notices and Posters website for the University of California:

<http://ucnet.universityofcalifornia.edu/tools-and-services/administrators/mandatory-employment-notices.html>

- 2. Employees Working in a State other than California.** Managers must use a third-party vendor to purchase a combination state and federal mandatory employment notice for the state where the employee is primarily working. List of third-party vendors provided below. The third-party vendor can mail notice posters or provide a digital version of the required notices directly to the employee. Departments should remember to contact the vendor annually to purchase an updated notice, if needed.

Labor Law Compliance Center

<https://www.laborlawcc.com/>

State & Federal Poster

<http://www.stateandfederalposter.com/default.asp>

Labor Law Center

<https://www.laborlawcenter.com/>

Poster Compliance

<https://www.postercompliance.com/>

C. Recruitment Procedures for Remote Work Arrangements

If a department wishes to recruit for a new employee who will work remotely, the department should discuss this option with the recruiter in the HR Employment unit prior to posting the position for recruitment. After the employee is hired, the manager should implement the requirements referenced in Section V. A. and B., above. In addition, the hiring department is responsible for ensuring completion of the required new hire documents. See the Business & Financial Services' [Payroll web site](#) for more information.

VI. Equipment and Service Expense Reimbursement

In general, an employee who has requested to telecommute or work remotely is responsible for providing, maintaining and repairing employee-owned equipment in addition to paying for electronic service expenses used at the alternate work location at personal expense.

If the employee requests equipment and/ or reimbursement for expenses and the department determines that providing equipment or assisting with expenses is reasonable and appropriate in a particular circumstance, the department should ensure that any purchases or expense reimbursements are consistent with the applicable University policy or procedure, including [BFB-G-46: Guidelines for the Purchase and Use of Cellular and Other Portable Electronic Resources](#) or in accordance with applicable state law when employee is working out of state. (In

most circumstances, following University policies will meet or exceed out of state legal requirements.) The employee must review and sign [Employee Agreement for University Purchased Equipment](#) prior to receiving equipment or reimbursement.

VI. Travel Expense Reimbursement

If an employee requests reimbursement for travel expenses and the department concludes it is appropriate in a particular circumstance, the department should ensure that any reimbursements are consistent with the applicable University policy or procedure, including [BFB-G-28 Travel Regulations](#).

VII. Termination of Telecommute-Remote Work Agreements

Where the employee initiated the request to telecommute or work remotely, management may terminate the agreement with or without notice. If the employee would like to terminate the agreement before the expiration date, the employee should give management reasonable advance notice of the request. Where the employee was originally hired to work remotely, the employee may not have the option to discontinue the remote work arrangement and request a work location at a UCSB worksite without the agreement of the hiring department.