

### **R13. Government Operations, Administration.**

#### **R13-4. In-State Work Location Rule.**

##### **R13-4-1. Authority and Purpose.**

- (1) This rule is authorized by Section 63A-1-105.5.
- (2) This rule establishes the conditions under which employees may work outside of the state, provides that employees' tax withholdings be paid to the state, and provides for the security of state information technology systems.
- (3) This rule provides the following positive outcomes:
  - (a) providing employment opportunities to citizens of the state;
  - (b) keeping in the state income tax paid by state employees; and
  - (c) minimizing costs borne by the state to provide workers' compensation and liability coverage for out-of-state workers.

##### **R13-4-2. Definitions.**

- (1) "Agency" means the same as defined in Subsection 63A-1-103(1), except that "agency" does not include the Office of the State Treasurer, the Office of the State Auditor, the Office of the Attorney General, the legislature, or the courts.
- (2) "DHRM" means the state Division of Human Resource Management.
- (3) "Employee" means an individual employed by an agency.
- (4) "Executive director" means the executive director, commissioner, or other chief administrative officer of a department-level agency.
- (5) "State" means the state of Utah.
- (6) "State-owned equipment" means personal computers, tablets, or cell phones provided by an agency to an employee for the employee's work.
- (7) "United States" means the 50 states and the District of Columbia.
- (8) "Work" means performing the duties for which the employee is hired by the agency.

##### **R13-4-3. General Requirements.**

- (1) An employee may work only while physically within the state's borders.
- (2) An employee's state employment-related tax withholdings are paid to the state and the employee acknowledges that any compensation paid by the agency is deemed earned within the state.
- (3) An employee may not take state-owned property outside of the United States without prior approval.
- (4) An agency and an agency's employee shall follow the agency's business travel policy when an employee is sent outside of the state for business reasons for fewer than 30 days within a calendar year.

##### **R13-4-4. Exceptions.**

- (1) For all exceptions detailed in this section, the employee is ultimately responsible for paying the proper amount of tax to the appropriate taxing authorities.
- (2) Exceptions to this rule are rare in order to maximize the outcomes described in Subsection R13-4-1(3).
- (3) An employee who travels to another state for personal reasons for fewer than 30 days within a calendar year may not work within that state without prior approval from the employee's supervisor.
- (4) An employee who desires to work in another state for more than 30 days within a calendar year shall obtain prior written approval to work in that state from the employee's executive director.
- (5) An employee traveling on agency business may work outside of the state if the assignment is for fewer than 30 days.
- (6) An agency that desires to allow or require an employee to work for more than 30 days outside of the state within a calendar year, including the possibility of living outside of the state, shall:
  - (a) obtain approval from the Governor's Office or designee by completing and submitting an Exception Request - Regularly Work Outside the State, available from DHRM;
  - (b) instruct the employee to notify DHRM:
    - (i) that the employee will be working outside of the state; and
    - (ii) of the employee's new out-of-state address;
  - (c) notify and request the Division of Finance to set up tax withholdings to be paid to the state in which the employee is working;
  - (d) notify and request the Division of Risk Management to ensure the employee will be protected by workers' compensation insurance and other appropriate and available travel and liability coverage or insurance; and
  - (e) reimburse at the established rate the Division of Finance, the Division of Risk Management, or other state entity for costs incurred to research and establish tax withholdings, workers' compensation, travel, and liability policies, or any other requirements to cover the employee while working outside the state.
- (7) An employee who plans to travel outside of the United States and who will be required or desires to work while outside of the United States shall obtain prior written approval to work from the employee's executive director.
- (8) An employee who plans to travel outside of the United States and desires to take state-owned equipment shall obtain prior written approval from the employee's executive director or designee.
- (9) An agency that desires to approve an employee to work and take state-owned equipment outside of the United States shall:

- (a) obtain approval from the Governor's Office or designee by completing and submitting an Exception Request - Equipment form, available from the Governor's Office;
  - (b) notify and request the Division of Risk Management to assess the availability of workers' compensation insurance coverage and the need for travel insurance and general liability coverage;
  - (c) notify and request the Division of Technology Services to assess the security and legal issues of accessing state systems on state-owned equipment while the employee is outside of the United States;
  - (d) notify and request the Division of Finance to review potential tax implications if the employee would be working in a country outside of the United States at the agency's request for more than 30 days within a calendar year; and
  - (e) reimburse at the established rate the Division of Risk Management, the Division of Technology Services, or other state entity for costs incurred to research workers' compensation, travel, and liability policies, or any other requirements to cover the employee while working outside the United States.
- (10) Any other exception must be granted by the Governor's Office or designee.

**KEY: state employee, work location**

**Date of Enactment or Last Substantive Amendment: July 1, 2021**

**Authorizing, and Implemented or Interpreted Law: 63A-1-105.5**