

**VI-6.20 – USM POLICY ON OUT-OF-STATE WORK FOR EMPLOYEES**

(Approved by the Board of Regents on April 29, 2022)

**I. APPLICABILITY**

This policy applies to all employees of the University System of Maryland (USM), across all regular and non-regular categories of faculty, staff, and student employment.

**II. PURPOSE**

This policy requires each USM institution to develop a policy on Out-of-State Work under the authority of its President, to define the terms and conditions under which an employee may perform work duties from a location outside the state of Maryland, including from outside the country, when it is determined to be in the best interests of the institution. This includes circumstances when an institution authorizes an employee who lives outside the state or country to telework from that location, pursuant to the institution's telework policy, procedures, and agreement; when an institution's employee resides within the state of Maryland but performs work duties from a location outside the state or country; and when an institution's employee resides outside the state or country and also works (not teleworks) in that jurisdiction.

**III. DEFINITIONS**

- A. **Out-of-State Work Agreement:** a written agreement signed by an institution's official and the employee, which establishes the agreement's term or duration, location where the work will be performed outside the state or country, the work duties or assignments, schedule, and the responsibilities and obligations of the institution and the employee.
- B. **Out-of-State Worker:** any USM employee who regularly performs work duties outside the state of Maryland, including but not limited to when an employee is authorized to telework from their home located outside the state of Maryland.

**IV. POLICY**

- A. The USM serves a public interest as the system of higher education in Maryland and is committed to fully serving its students and other key stakeholders, including its employees.
- B. An employee who regularly performs work from a location outside the state or country shall do so in accordance with this policy and their institution's policy, procedure, and agreement on Out-of-State Work.
- C. A USM institution has the authority to:

## **USM Bylaws, Policies and Procedures of the Board of Regents**

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1. at its sole discretion, require an employee to perform all or some of their job duties at the institution's premises or facilities under their control, away from the institution's premises, or in any combination of the two;
  2. terminate or modify an Out-of-State Work Agreement at any time, for any reason, with advance written notice to the employee;
  3. deny an employee's request to work from a location outside the state of Maryland;
  4. require employees to notify their institution's Human Resources Office when the employee regularly performs work duties outside the state of Maryland or when their home address changes.
- D. Each USM institution is responsible for complying with all applicable laws, regulations, and legal requirements for its employees who regularly perform work duties outside the state of Maryland or country.
- E. Each USM institution shall implement appropriate policies and procedures addressing Out-of-State Work to ensure compliance with all applicable laws and requirements, some of which are unique to the jurisdiction from where the USM employee regularly performs work duties outside the state of Maryland or country.
- F. Each USM Institution should execute a written Out-of-State Work Agreement with each Out-of-State worker.

### **IMPLEMENTATION PROCEDURES**

Each institution shall establish a policy on Out-of-State Work. Each President shall identify their designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to their institutional community, and post it on its institutional website with other human resource, faculty, and student employment policies.