

R13. Administrative Services, Administration.

R13-4. In-State Work Location Rule.

R13-4-1. Authority and Purpose.

- (1) This rule is authorized by Section 63A-1-XXX.
- (2) This rule establishes location requirements for employees, provides for exceptions to those requirements, provides direction on where compensation is earned and tax withholdings paid for out-of-state employees, and provides for the security of state information technology systems.

R13-4-2. Definitions.

- (1) "Agency" means the same as defined at Subsection 63A-17-102(1).
- (2) "Employee" means the same as defined at Subsection 63A-17-102(11).
- (3) "United States" means the 50 states and the District of Columbia. For purposes of this rule, United States territories are considered outside the United States.
- (4) "Work" means performing the duties for which the employee is hired for the agency.

R13-4-3. General Requirements.

- (1) An employee must be a resident of the state.
- (2) An employee who is not a resident of the state at the time of this rule's initial effective date may remain an employee until termination, resignation, or retirement.
- (3) An employee may work only at:
 - (a) a state office;
 - (b) an approved teleworking location; or
 - (c) any other location within the state approved by agency management.
- (2) State employment-related tax withholdings are paid to the state for an employee described under Subsection (2). The employee shall acknowledge 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 state without agency management approval.

R13-4-4. Exceptions

- (1) An employee who travels outside the state for personal reasons and with agency management's prior approval performs work for the agency while outside the state for fewer than 30 days within a calendar year shall be solely responsible for determining the personal tax treatment of any wages the agency pays to the employee for work performed while in that state and assumes full and sole responsibility for any related tax consequences.
- (2) An employee who desires to perform work in another state for more than 30 days within a calendar year shall obtain prior written approval from agency management.

(3) An agency that desires to allow or require an employee to perform work for more than 30 days in another state within a calendar year shall:

(a) obtain approval from the Governor's Office or designee (Exception Request - Regularly Work Outside the State);

(b) notify and request the Division of Finance to set up tax withholdings to be paid to the state in which the employee is working;

(c) 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

(d) 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 of Utah.

(4) An employee must obtain written approval from agency management before taking state-owned equipment outside the state if that employee plans to travel outside of the state and the employee's agency either allows or requires the employee to perform work while traveling.

(5) An employee who travels outside of the United States for personal reasons and receives agency management approval to perform work for the agency while in another country shall be solely responsible for determining the personal tax treatment of any wages the agency pays to the employee for work performed while in that country and assumes full and sole responsibility for any related tax consequences.

(6) An agency that desires to approve an employee to perform work that would require taking state-owned equipment, including cell phones, outside of the United States shall:

(a) obtain approval from the Governor's Office or designee (Exception Request - Equipment);

(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 Department 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 performing work 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 Department 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.

(7) Any other exception must be granted by the Governor's Office or designee.

KEY: state employment, state employment location requirements, state-owned equipment, term 4

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