Remote and Hybrid Work Guidelines

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INTRODUCTION

The University of Kentucky was created to advance the Commonwealth — its education and economy, its health and well-being. This promise is fulfilled through its missions of education and research, service and healing.

In its strategic plan — the UK-PURPOSE — the University outlines five principles that will guide and help ensure the university's progress, including the ways it must take care of its people.

UK is distinctively a residential campus, and that means that the workplace must support the learning and living needs of our students as well as its fundamental missions.

At the same time, the environment in which and how we do our work continues to evolve and change. That continued evolution requires institutions of higher learning to seek flexibility for employees in ways that support individual and team well-being, maximize productivity and meet the needs of our community.

In spring 2022, President Eli Capilouto empaneled a work group to examine how to accomplish those important objectives as our campus and world emerge from a global pandemic that has challenged us in new ways.

The following pages provide a framework for this important task.

GUIDING PRINCIPLES

1. Ensure effective operations that support the learning, living, research, service and care needs of our people.

2. Create an environment where our community and employees can be successful and thrive.

3. Provide flexibility for employees to perform their duties and be successful, while meeting unit and institutional goals.

SCOPE

Remote work allows employees to work at home or in another off-site location for all or part of their work week. The University considers remote work to be a viable work option when both the position and the employee are well suited to such an arrangement.

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Remote work may be appropriate for some employees and jobs but not appropriate for others. The following provides guidance for unit leaders and employees when thinking about remote work. These guidelines shall be effective on a date in the coming months that will be determined by university leadership. They will only apply to staff positions.

BACKGROUND

- First, these guidelines apply to employees who have received approval from the University of Kentucky to work remotely. Additional information and requirements specific to out-of-state remote work arrangements, which have additional tax and legal implications, are available on the work location website.
- Second, these guidelines are referenced in the separate application and approval process for remote work requests. As part of that process, all employees are required to attest that they have received and agree to follow these guidelines.
- Third, due to the nature of operations in a health care environment, UK HealthCare employees shall follow additional procedures and policies established by UK HealthCare, including UK HealthCare Policy and Procedure A09-170.

DEFINITIONS

- **Central workplace.** The University workplace where the employee normally is located. Most commonly, this is the UK campus in Lexington. Also referred to as "on site".

- **Fully Remote/Hybrid work.** A formal agreement between the employee and the University where the employee is authorized to perform their regular job duties in a location other than the central workplace for an agreed upon number of days per work period. The most common remote work location is the employee's home**.**

Please note that throughout this document, any reference to remote work includes hybrid work, as hybrid work is a subset of remote work arrangements. For specific questions regarding definitions and how they are applicable to a specific department, employees are encouraged to speak with their supervisor.

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MODALITIES FOR WORK
1. **On site** – 5 days per week on site (primary at central workplace)
2. **Hybrid** – 1 - 4 days per week on site at central workplace
3. **Fully Remote** – 0 days on site (primary is at remote work location)

REMOTE WORK AGREEMENT

Remote work arrangements must be documented as approved through a remote work agreement. A remote work agreement establishes the specific conditions that apply to the employee's remote work arrangement. The agreement must be reviewed and approved through the decision and approval process established by the University at the Cabinet member level. The University holds full decision rights in granting or denying a remote work agreement.

The University of Kentucky is a governmental entity, an independent body politic, and agency of the Commonwealth of Kentucky. Under Kentucky law, only the University's Board of Trustees is responsible for setting the standards and conditions of employment, including leave and other benefits to which University employees may be entitled.

For employees approved to have a remote work agreement, the conditions of employment remain the same as for Kentucky-based employees of the University, and applicable salary, benefits, and employer-sponsored insurance coverage will be the same as for Kentucky-based employees. Employees are required to adhere to all University and applicable department/unit policies and procedures while working remotely.

Exceptions

Occasional remote work. Occasional remote work arrangements are approved on a case-by-case basis, are infrequent and are not regularly scheduled. In such cases, a remote work agreement is not required, but the approved remote work should be documented for unit files by memorandum or email, specifying work expectations and duration. Occasional remote work is not appropriate as a substitute for sick time off and should not be used when the employee's own or a family member's illness or injury interferes with the employee's ability to perform their work.

Modification and Termination of Agreements

Initial remote work agreements will be deemed to be on a trial basis for the first three months and may be discontinued at will and at any time during the trial basis or after at the request of the employee or the applicable university leadership.

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By the University. The applicable university leadership may modify or terminate the remote work agreement with a 30-day written (e.g., email) notice. The rationale for changing or modifying the agreement could include, but not be limited to: change in operational needs, technology requirements, job duties, performance concerns, business necessity or other organizational changes as well as any other non-discriminatory reason, including failure to meet the conditions stated in the remote work agreement.

By the employee. Any employee request to modify (increase or decrease) or terminate the remote work agreement should be communicated at least 30 days prior to the proposed start of the modification. This time period also includes discussing the change with their applicable university leadership and documenting the change request to their applicable university leadership in writing (e.g., email). Applicable university leadership has the authority to either grant or deny changes and modifications. Requests to increase the amount of time an employee works remotely require formal review and approval, in the same manner as any new remote work request.

ELIGIBILITY

Position eligibility. Decisions on position eligibility are based on the existing job functions. To be eligible for a remote work arrangement request, all functions of the existing job must be able to be effectively performed entirely away from the central workplace or be able to be effectively performed in a combination of work on site and remotely. It is not acceptable and against university policy for portions of a job function to be reallocated to another position for the sole purpose of enabling remote work. Initial assessment of position eligibility is made by the applicable university leadership of the position; however, as with all operational decisions, should an alternate assessment be made at a higher organizational level (e.g., unit, division, vice president, etc.), that assessment overrides the applicable university leadership's assessment. For additional information, see *General Expectations and Conditions* below including business necessity and organizational changes.

General position eligibility does not grant the employee the right to a remote work agreement, as performance, work habits, competency, training requirements or other non-discriminatory reason may require an employee in the eligible position to work on site. Of note, positions providing patient care, student-facing support, police and facilities management staff or other positions providing in-person service and support may not be eligible for remote work arrangements. The University provides many administrative and operational functions in a shared services model (i.e., philanthropy officers, advisors, IT, etc.) and continues to expand the use of this operational strategy; for any position that operates under this model, both supervisors (the primary and secondary) must be in agreement on the eligibility of the position.

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Employee eligibility. To be eligible, the employee must hold a position with responsibilities determined suitable by their applicable university leadership for remote work. Additionally, newly hired or transferred employees requesting a remote work agreement may be required to complete the new employee orientation period on site (at the discretion of their applicable university leadership), must be in general good standing with the University and may not have had corrective action in the previous 12 months. Supervisors will determine the appropriate course of action so the employee requesting a remote work agreement has proper supervision regardless of their work location.

GENERAL EXPECTATIONS AND CONDITIONS

Job duties. Employees remain subject to all existing terms and conditions of employment, including but not limited to position description, salary, overtime utilization, benefits and leave, per HR Policies and Procedures. Employees working remotely outside the Commonwealth of Kentucky should consider provider eligibility when selecting health insurance plans. Additional information for remote work requirements outside of the Commonwealth of Kentucky is available on the work location website.

Communication. Applicable university leadership and employee should discuss what an appropriate level of communication should be as part of the remote work arrangement – both in the initial trial period of remote work and then on an ongoing basis.

Hours of work and accessibility. Employees must abide by the work schedule set forth by their applicable university leadership and unit as set forth in the remote work agreement. Employees should maintain a presence within their unit, using technology as directed by the unit. Unless directed by their applicable university leadership, employees should be able to be contacted by the same method as any on-site employees (e.g., phone, email, instant messaging) during established work hours.

Employees may be expected — at times — to be present at the central workplace upon request and with reasonable notice. See the paragraph below regarding travel and reimbursement and payment of expenses for further details.

Employees are expected to maintain the same reasonable response times as if they were working at the central workplace. Employees are expected to discuss with their applicable university leadership any concerns they have about their ability to be fully accessible and maintain a presence during normal business hours or their regular work schedule.

Remote work location address. For tax purposes, employees are required to keep the address of their remote/on-site work locations up to date in myUK.

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Business necessity. Business necessity may require temporary modification to approved remote work arrangements or could lead to termination of remote work arrangements. For example, units experiencing increased volume due to seasonality of work or changes in the business cycle may need to temporarily end all standing remote work arrangements to meet business demands responsibly. Remote work arrangement requests may also be denied or revoked due to costs related to equipping the employee to work remotely and/or any change in circumstances, such as state or jurisdictional law, that would incur additional cost to the university or unit. The University has sole discretion to make changes based on business necessity. Any temporary modification to approved remote work arrangements should be communicated by the unit to the employee as early as possible with at least a 7-day written (e.g., email) notice.

Organizational changes. Organizational changes could result in changes to previous decisions, such as increasing or decreasing the number of positions eligible for remote or hybrid work or altering current remote work agreements. These changes could include changes in leadership or changes in leadership assessment of position eligibility for remote work, change in technology availability or appropriateness of job functions to be performed remotely due to changing circumstances or needs of the organization. The University has sole discretion to make decisions based on organizational changes. Any organizational change modification to approved remote work arrangements should be communicated by the unit to the employee with a 30-day written (e.g., email) notice.

Applicable university leadership will determine the appropriate course of action so the employee requesting a remote work agreement has proper supervision regardless of their work location.

Performance evaluations. Employees working remotely will continue to receive performance evaluations in the same manner as other employees. Employees should work with their applicable university leadership to establish or maintain appropriate performance goals, metrics and/or measures.

University policies. Employees working remotely are subject to the same University regulations, policies and procedures as employees working at the central workplace. This includes policies relating to information security and data protection (see section below).

Non-exempt employees, timekeeping, breaks and overtime. Employees who are not exempt from the overtime requirements of the Fair Labor Standards Act must follow all expected rest periods and enter all work hours in accordance with HR Policy and Procedure 70: Attendance/Hours of Work following the myUK Time Approval process. Additionally, non-exempt employees may work overtime only when approved in advance by their applicable university leadership and working overtime without such approval may result in disciplinary action.

Weather and emergency closings. In the event of a weather- or emergency-related University closing or delay, employees with remote or hybrid work arrangements

will be expected to work as normal and will not receive Emergency Closing leave. Specifics on the employee's schedule and Plan B designation are determined by the employee's applicable university leadership. Additional information available within HR Policy and Procedure 71: University Emergencies and, for UK HealthCare employees, UK HealthCare Policy and Procedure A09-055.

Travel and reimbursement. Employees may be required to make trips to the central workplace for meetings, special projects, training and equipment repair. Employees will not be reimbursed for those travel expenses. Under IRS regulations, employees are responsible for getting to and from work. Commuting to work is not considered traveling for a business purpose and, employees will not be reimbursed for mileage associated with their commutes, regardless of their remote work location in relation to their central workplace. However, employees may be reimbursed for travel expenses to other designated areas for which employees working at the central workplace are reimbursed. Additional guidance is provided by University Financial Services at https://www.uky.edu/ufs/sites/www.uky.edu.ufs/files/bpm/E-5-1.pdf.

Caregiving. Remote work shall not be in lieu of extended and regular child or elder care. Employees are expected to make appropriate childcare and elder care arrangements during their work hours regardless of work location. For example, if an employee would arrange for childcare services when working on site, it is expected that arrangements would be made when working remotely.

Professionalism. Employees working remotely are expected to conduct themselves and interact with other members of the University community in the same professional manner as they would when working at the central workplace. This includes ensuring colleagues are aware of their schedule and when they will be on site and when they will be working remotely. Additional information is available on the work location website.

FACILITIES, FURNITURE, EQUIPMENT AND SUPPLIES

Furniture. Employees are responsible for establishing and furnishing a safe and ergonomic remote work area. Appropriate furniture includes a height-adjustable and ideally ergonomic chair and computer desk or table of an appropriate height. Inappropriate furniture includes, but is not limited to, furniture for leisure purposes, such as a couch, bed, etc. UK Environmental Health and Safety can provide consultation and recommendations on appropriate furniture. If a unit agrees to allow University-owned furniture to be obtained by an employee, the employee and their applicable university leadership must complete the university's Off-Campus Equipment Form.

Equipment. The University may allow employees to obtain the equipment necessary to complete their assigned duties from a remote location, such as a computer (stationary or laptop), monitor, keyboard, mouse, trackpad, docking station and footrest. Employees working remotely may be supplied with a printer, printing supplies and/or additional equipment with their applicable university leadership approval

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based on the employee's job duties. If a unit allows the employee to obtain University-owned equipment for use in a remote location, the employee and their applicable university leadership must complete the university's <u>Off-Campus Equipment Form</u>.

University-owned equipment obtained by an employee is the sole and exclusive property of the university and is subject to all policies and restrictions related to use of state-owned property. Employees shall not move University-owned equipment from their remote work area, except as may be necessary to perform job responsibilities as defined by the university.

Office supplies. The University will provide employees with such office supplies (e.g. file folders, pens, pencils, writing pads) as necessary to perform the functions of their job and per university-approved processes. Employees are responsible for providing other supplies that are not necessary to perform the functions of their job.

Office space. Remote and hybrid work creates opportunities for improved central workplace space utilization. Office space, including private offices, cubicles and like spaces, may be reallocated to employees working fully on site, or designated as shared/hoteling workspace, or otherwise adjusted to enhance space utilization and reduce costs.

Returning University-owned property. If an employee separates from their position with the University, they must deliver promptly to their applicable university leadership and/or the appropriate university unit all files, supplies, documents, software, equipment, handbooks, reference materials, computerized information and any other University-owned property at their remote work area. Any equipment that has reached the end of its useful life, even if the employee continues working remotely, must be returned to the unit to be repurposed or surplused. The rights and obligations of this section shall survive termination of the employee's remote work agreement or employment with the University.

Tracking furniture and equipment. On an annual basis, employees with University-owned furniture and equipment at their remote work location are required to validate that the furniture and equipment are in the employee's possession. The preferred method of validation would be for the employee to bring their furniture equipment back to campus so the asset tags could be scanned. If this is not feasible, the unit should require an alternative method of validating the furniture and equipment such as taking a picture of each asset and asset tag, when applicable, including a note with the day's date handwritten on it. Employees should email these photos to their unit's inventory coordinator.

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INTERNET AND OTHER COSTS

Internet and utilities. Employees must maintain a sufficient bandwidth internet connection to allow for a productive remote work experience. The University will not reimburse internet, phone services or other utilities while the employee is working remotely. The University is not responsible for paying employees for time not worked due to the employee's loss of internet access, power, utilities or other home office damage or displacement.

Other costs. The University will not be responsible for operating costs, home maintenance or any other incidental costs (e.g. utilities, telephone, insurance) associated with the use of the employee's residence for remote work, unless specifically provided otherwise in these guidelines.

DATA PROTECTION AND INFORMATION SECURITY

Protected data. Remote work employees must agree to follow University-approved security procedures to ensure confidentiality and security of data. When working with data defined as protected by AR 10.7, special precautions must be taken. Protected data must be stored on a university-approved storage solution (e.g., Microsoft SharePoint, Microsoft Teams).

Data protection policies. Employees must safeguard University information used or accessed during remote work in accordance with these guidelines, AR 10.1 (Use of Technology Resources), AR 10.7 (Security of Data) and other applicable information technology policies. Additionally, employees may be subject to additional data protection policies that discuss the Health Insurance Portability and Accountability Act (HIPAA) and other health-care-related data protection policies.

Documents. Work performed for the university at a remote work location is considered the University's property. All records, papers, computer files and correspondence must be safeguarded.

Enterprise storage and collaboration solutions. The University provides multiple options for storage and collaboration. When working on data that is shared with your team, the university-managed solution is Microsoft Teams. If the data is shared with a larger group that extends beyond the team up to the entire university community, the university-managed solution is SharePoint. If the data is only used by the employee, the university-managed solution is OneDrive. For more information, visit https://its.uky.edu/m365.

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INFORMATION SECURITY AND TECHNOLOGY RESOURCES FOR REMOTE ACCESS

University-owned devices. Employees must not allow anyone access to a University-owned computer who is not authorized to do so by the University. Employees should log off or lock the University-owned computer when not present.

Employees must not alter University-owned equipment from the standard set-up (e.g., install non-supported software/applications, change the operating system configurations, upgrade operating systems or install new operating systems) without express permission from their unit system administrator and ITS.

The employee must immediately notify their applicable university leadership if any university-owned equipment is lost, stolen or damaged. If a University-owned computer (tablet, laptop, tower, storage device) is stolen, this should be immediately reported to the local law enforcement agency in the location where the item was suspected to have been stolen **and** also immediately reported to ITS Customer Services at 859-218-HELP (4357) to secure your accounts.

Personal devices. While it is preferable for employees to use University-provided technology when performing work for the University, there are times when that is not the best option. When using a personal device, it is recommended that data not be downloaded to the device.

If data is stored locally (including external storage devices such as thumb drives), it must be encrypted. Contact unit information technology employees or ITS Customer Services (859-218-HELP) for assistance on encrypting data.

Devices must utilize the latest supported version of operating systems with the most current security patches installed. Antivirus software must be up-to-date and running. Software must run in real-time scanning and/or scan the device regularly.

Employees should log off university services when not in use.

Network connectivity. If an employee has network connectivity issues, they should:

For an at-home network:

1. Attempt to reconnect.
2. Contact customer support for home network provider (e.g., Spectrum, Metronet).
3. Notify their applicable university leadership of the issue.

For a UK network:

1. Attempt to reconnect.

2. Call ITS Customer Services 859-218-HELP (4357) or fill out the Customer Services Assistance Request form (this will require you to log in with UK credentials).
3. Notify their applicable university leadership of the issue.

Records retention. The work produced by employees working remotely remain subject to university records retention and open records policies and requirements.

SAFETY

Maintenance of work area. Employees must maintain their remote work area so that it is free of safety hazards and other dangers and use and maintain University-owned equipment and supplies in a safe, clean and appropriate manner. Any in-person meetings with other university staff, students, customers, vendors or others are not permitted to occur at a private remote work location (e.g., an employee's home). Meetings in a public location such as a park, coffee shop or other business location may be allowed, with applicable university leadership approval, depending on circumstances.

Reporting of accidents. If an employee is injured while working remotely, they should follow the same, standard protocol as if they worked at the central workplace:

If a work injury is life-threatening or results in serious bodily injury, immediately call 911. For non-urgent injuries, employee should report the injury to their applicable university leadership and to CorVel's 24/7 Workers' Care hotline at 1-800-440-6285.

Additional information is available on HR's Workers' Compensation page.

A University representative or its agent may need to visit an employee's remote work area to investigate any reported injuries.

Workers' compensation liability. The University assumes no liability for injuries an employee may sustain outside the remote work area, outside the scope or practice of their job duties or outside of their working hours. In addition, the employee is liable for injuries to other persons at the employee's remote work area and damages to any property other than equipment furnished by the University.

Responsibility for injuries. Employees are responsible for injuries to persons and/or members of their family at the employee's remote work area. They also are responsible for all claims, demands or liabilities (including any related losses, costs, expenses and attorney fees) resulting from, or arising in connection to, any injury to persons (including death) or damage to property caused, directly or indirectly, by the services provided remotely by the employee at the remote work location. The obligations of this section shall survive termination of the employee's remote work agreement and employment at the University.

CERTIFICATION

Understanding there are operational, management, financial, regulatory, tax and other associated risks related to the work location of University employees, regular certifications of the accuracy and completeness of remote work arrangements – at a minimum annually – will be required of employees and their applicable university leadership as well as others within the organizational structure as determined by UK Human Resources.

CONCLUSION

The University of Kentucky is committed to providing a robust and enriching residential experience for students while, at the same time, supporting its employees who play a critical role in achieving its mission. Central to that mission is taking care of our people and our community by recognizing the different ways work can be performed and conducted. This report – and attendant guidelines – outline the processes that are designed to facilitate a productive and supportive work environment for members of our community.