



Policy Title: HR5068 - Out of State Work

Subject Area: Human Resources

Responsible Official(s): Executive Vice President and Chief Operating and Financial Officer

Responsible Office(s): Human Resources

Policy Statement

To ensure alignment with institutional needs and compliance with legal and tax requirements, as well as to maintain the effectiveness of operations, employees are generally expected to perform their work within the State of Tennessee. Accordingly, work arrangements performed outside Tennessee are not permitted unless expressly approved in advance by the University.

Definitions

Assigned work location – the on-campus physical address or facility identified by the University as the employee’s official place of work.

Out of State Work (OSW) – the long-term performance of employment duties (beyond 30 days) outside of Tennessee.

Residence – the employee’s principal place of living, established as their home for employment, payroll, and tax purposes. Residence does not include temporary lodging, secondary homes, or locations used solely for convenience or travel.

Policy

Out of State Work (OSW), whether full-time or part-time, is generally not authorized for University employees, including faculty, staff, Temps and student workers, with the exception of those employees who live within a reasonable commuting distance of their University assigned work location. Requests for OSW approval under this policy must meet a compelling business interest or skills-based need. A compelling business interest or skills-based need must be a tangible factor that is essential and supports the University's operational needs and strategic priorities. Such factors to consider include, but are not limited to, an employee’s

knowledge, skill, ability, education, and specific work experience. Approval of OSW must be based on more than mere preference of the employee or their supervisor.

There is no standard analysis of or response to an OSW request since each request is case specific. When assessing whether OSW meets a compelling business interest or skills-based need, the University, in its sole discretion, may consider the state from which the employee requests to work, the duration of the performance of the duties out of state, the essential job functions, the difficulty of finding suitable applicants for the position, and other employment-related considerations.

The University will not consider any OSW requests from the following states: California, New York, Nevada, Colorado, Massachusetts, and Washington.

OSW Request

To request OSW, employees must first submit a request to their immediate supervisor and Human Resources. The request will be evaluated by University administrators, with input from the employee's division leader, the Office of Legal Counsel, Human Resources, and executive leadership. Once reviewed, Human Resources will notify the employee of approval or denial of the request. The decision on an OSW request is final.

NOTE: Approval of an OSW requires the completion of an Alternative Work Agreement (AWA) Request form and does not automatically guarantee the approval of the AWA request.

Annual Review

The University will annually assess the continuation of any OSW arrangement to ensure the arrangement still meets the University's compelling business interest or skills-based need. OSW is not guaranteed. The University reserves the right to end an OSW arrangement, and the employee must return to their University assigned work location. Employees will have reasonable time to comply with any University decisions regarding change in status of the OSW.

Tax Consequences

Upon receiving an approved OSW request, employees should consult with a licensed tax professional or state revenue authority regarding state-specific tax requirements.

FAQs

Q: During the recruitment process, my current position was advertised with remote options. Does this policy apply to me?

A: Yes, this policy applies to all employees, including those positions previously advertised as remote or hybrid. Any approved remote or hybrid position must comply with the OSW policy.

Q: I am a current employee who resides out of state. Will I be grandfathered in?

A: This policy applies to all employees, both current and new. If you are currently working out of state, a formal OSW request must be submitted for review. If approved, an Alternative Work Agreement (AWA) Request form must be completed. Approval of the OSW request does not automatically guarantee the approval of the AWA request.

Q: I live outside the state of Tennessee and currently have an approved AWA, do I need to complete and OSW request?

A: If you live outside the state of Tennessee, an OSW request needs to be completed. If approved, a new AWA Request form needs to also be completed and approved for you to continue working outside Tennessee.

Related Documents, Policies and Forms

[HR5061 - Alternative Work Arrangements
Alternative Work Agreement Request Form](#)

[AA3008 - Faculty Availability on Campus](#)

[Out of State Work Request Form](#)

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