

Exceptional Approval Process for International Flexible Work Arrangements For Staff Employees

In order to consider a request for an International Flexible Work Arrangement, i.e. a Flexible Work Arrangement for an employee residing outside of the United States, the employing unit must:

1. Check with and receive written approval from the [Export Control Office](#) if any [Institutional Information is leaving the US](#). Export control laws are laws that prohibit the unlicensed export of certain materials or information for reasons of national security or protection of trade.
2. In consultation with the Office of Legal Affairs, identify and pay for outside counsel, to advise about the applicable employment laws in the country where the employee is located, as well as the laws and regulations identified above, and to assist in setting up the work arrangement. This should include an analysis of whether there are regulations restricting the use of VPN and device encryption technology, which would make it difficult to meet IS-3 policy requirements without putting the employee at risk of breaking laws in their remote location. Some countries also restrict the use of certain platforms and service providers, such as YouTube, which the employee may need to complete their work.
3. Make arrangements with a local staffing agency, e.g. ADP, in the remote location to hire and pay the employee if the employee cannot be paid through the University's standard processes using UCPATH and Caltime.
4. Agree, via an MOU signed by the Division leader (or equivalent), for the Department to be entirely responsible for any claim made by the employee, including the costs of hiring counsel to address or respond to the claim.
5. Submit a written request to the Associate Vice Chancellor-Human Resources for staff employees for approval to enter into an International Flexible Work Agreement. The request should include documentation of the approvals and MOU referenced above.
6. Once written approval is granted, a written International Flexible Work Agreement should be signed by the employee and should be maintained in the employee's personnel file (or equivalent file for academic appointees) and a copy should be provided to the Associate Vice Chancellor-Human Resources. The agreement should contain an expiration date and should be revisited by the Department at least annually to ensure compliance with applicable laws and regulations.

OFAC Embargoed Countries: Remote work arrangements are generally not allowed in any of the OFAC embargoed countries (Cuba, Iran, Iraq, Libya, N. Korea, Burma (Myanmar), Liberia, Sudan, Syria, Zimbabwe)