

**SOUTH CAROLINA STATE UNIVERSITY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

SECTION: FLSA and Classification and Compensation Administration	Section: II
	Subject: F
SUBJECT: Dual Employment	Effective: 06/05/09
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THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND SOUTH CAROLINA STATE UNIVERSITY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

DUAL EMPLOYMENT

Policy

South Carolina State University employees in FTE positions may accept temporary, part-time employment of a consultative or technical nature within the University or with another State agency, provided that prior approval is obtained in each instance from the appropriate approving authority.

General Provisions

- A. The practice of dual employment shall not be used to provide higher continuing salaries than those approved for an employee. Any employee engaged in dual employment shall satisfy the requirements of the established hours of work for the University employing department.
- B. Dual employment shall be limited in duration to the specific time frame approved and cannot exceed 12 months or extend beyond fiscal years.
- C. All dual employment situations must be approved by the appropriate Vice President (or applicable Division Head), the Office of Human Resource Management (OHRM) and the Vice President of Finance prior to any service being rendered.
- D. South Carolina State University employees who perform services during other than scheduled hours of work for the University (Internal Dual Employment) may be paid additional compensation only if such services constitute independent, additional job duties over and above those of the employee's primary position within the University. However, such additional services shall be restricted insofar as possible.
- E. Employees (nonexempt and exempt) are allowed to enter into a dual employment contract with another State agency. However, departments are cautioned to carefully review such agreements. If the exempt employee undertakes nonexempt duties in the dual employment, it could affect the employee's exempt status. The requesting agency or department will be responsible for all costs of overtime, unless the overtime resulted from the regular duties performed for South Carolina State University.

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- F. No compensation shall be paid to an employee for dual employment services until all dual employment approvals have been obtained.
- G. A South Carolina State University employee may use annual leave while providing services during working hours for an outside agency (External Dual Employment) and may receive compensation from that agency for services performed during the period of annual leave. However, no University employee shall receive additional compensation for Internal Dual Employment while in a leave with pay status to include all designated paid state holidays and compensatory leave. (A South Carolina State University employee performing services for the University during his or her scheduled hours of work must take leave without pay to be compensated for dual employment.) No employee can receive additional compensation for services performed during scheduled hours of work (including mealtimes and breaks) unless the employee takes either annual leave or leave without pay. An employee's work schedule shall not be altered or revised in order to provide time to perform dual employment duties.
- H. Approval for dual employment may be withdrawn if the efficiency, effectiveness, or productivity of the employee deteriorates.
- I. Dual employment agreements within the rules and regulations of this policy shall be approved by Vice Presidents (or applicable Division Head) at South Carolina State University and submitted to OHRM on the official dual employment form for approval. All dual employment requests involving South Carolina State University employees must have approving signatures of the appropriate supervisor, Vice President and a representative of OHRM. An approved dual employment form must be retained by both the University and the requesting agencies.
- J. The requesting agency or department will be primarily responsible for management, communication, and coordination of dual employment agreements and will bear any additional cost. Payment of dual employment compensation shall be made in a timely manner. The Requesting Agency must make payment of funds approved for and earned under dual employment within 45 days of the beginning of the dual employment.
- K. The maximum compensation that an employee will be authorized to receive for dual employment in a fiscal year shall not exceed 30% of the employee's annualized salary for that fiscal year. Dual employment compensation earnings will be stopped for any employee upon reaching this limit. Compensation for dual employment will be determined by the requesting agency. The employing agency is responsible for ensuring that dual employment payments made to its employees within one fiscal year do not exceed the 30% limitation. Both the employing agency and the requesting agency must determine rate of pay based on the Fair Labor Standards Act requirements for nonexempt employees.
- L. No person will be eligible for any additional fringe benefits as a result of dual employment, including annual and sick leave, military leave, State insurance and holidays. However, dual employment compensation shall be subject to such tax and retirement deductions as the Comptroller General or current law may stipulate.

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- M. Each request for approval of dual employment shall apply to only one specific dual employment situation. Any approval for dual employment will be limited in duration to the specific time frame approved and cannot in any instance be longer than a twelve-month period or extend beyond a fiscal year.

Administration of Rates

A. Internal Dual Employment

1. Staff (non-faculty) employees who are exempt from Fair Labor Standards Act (FLSA) regulations who perform duties clearly beyond the scope of their primary duties should be compensated at a rate to be established by the requesting department at a reasonable “Fair Market” rate not to exceed 30% of the annualized salary. A review of the equity of this rate will be made as the Dual Employment Request ([Form P-12](#)) is forwarded through administrative channels to OHRM for approval. Departments are cautioned, again, that exempt employees who take a Dual Employment position that is nonexempt must be careful that the nonexempt duties do not change or dilute the position and have the employee become a nonexempt employee.
2. Full-time staff employees categorized as nonexempt under FLSA regulations performing duties which are significantly different and unrelated to their normal duties, shall be compensated at a rate of at least one and one-half their normal pay rate for the secondary job they perform.

B. External Dual Employment

Compensation rates for external dual employment will be established by the requesting agency. All supplemental compensation earned in this manner must, however, be approved through the appropriate administrative channels. The responsibility for initiating a request for dual employment lies with the employee receiving the compensation and the requesting agency. It is the employee’s responsibility to ensure compensation from both internal and external dual employment does not exceed a total of 30% of his or her annualized salary.

Procedures for Requesting Dual Employment

A. Internal Dual employment

1. The requesting department completes the requesting department section of the Dual Employment Request ([Form P-12](#)) and forwards it to the home department. In cases where the “requesting” and “home” departments are the same, both sections of the Dual Employment Request form should be filled out and forwarded to the Budget Office through the appropriate administrative channels for approval.
2. If the dual employment is approved, the Budget Office will forward the Dual Employment Request form to OHRM for approval and processing for payment. If the dual employment is not approved the form will be returned to the requesting department.

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B. External Dual Employment

1. When South Carolina State University is the requesting agency the department must complete the requesting agency section of the Dual Employment Request and forward it through administrative channels to OHRM who will forward the Dual Employment Request form to the employing agency. The employing agency must complete the employing agency section and return the completed and approved Dual Employment Request to OHRM for processing.
2. When South Carolina State University is the employing agency, the requesting agency will forward the completed top portion of the Dual Employment Request to the appropriate employing department. The employing department must complete the employing agency section of the Dual Employment Request and forward through administrative channels to OHRM. OHRM will review and approve or disapprove the request and return it to the requesting agency.
3. The requesting agency will be responsible for paying the employee for services rendered through their payroll system.

Work Outside State Government

Outside employment is defined as any employment or commercial activity which results in compensation in addition to an employee's regular salary. Employees engaged in outside employment must adhere to the following policy.

- A. Periods of outside employment must be engaged in outside the employee's normal working hours. No materials or equipment of the University (including photocopy machines or telephones) may be used in connection with any outside employment.
- B. Employees are prohibited from using their titles, positions, or confidential information in connection with commercial enterprises or in the endorsing of any commercial product or service.
- C. Should work performance deteriorate as a result of outside employment then it is understood that employees will terminate their outside employment or resign from employment with the University.
- D. South Carolina State University reserves the right to modify, as it may deem proper, any portion of this policy for the approval and/or regulation of jobs held by its employees outside State government. Such policies shall, however, be in accord with State laws and policies and procedures of the State Budget and Control Board. South Carolina State University may withdraw approval for such secondary employment if the efficiency, effectiveness, or productivity of the employee deteriorates and may adopt reasonable disciplinary penalties, up to and including termination for violation of its policies and procedures.

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Conflict of Interest

No employee may accept any work or compensation that could be reasonably construed as a conflict of interest. Acceptance without prior approval of work assignment or compensation that is found to be a conflict of interest will be grounds for disciplinary action up to and including termination. The propriety of an employment situation or compensation for services rendered shall normally be decided by the President, who may request counsel from the Office of the Attorney General or the State Ethics Commission as necessary in making such determination.