

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Dual Employment

Policy Number: 11.7

Is this policy new, being reviewed/revised, or deleted? Delete

Date of last revision, if applicable: 7/26/2016

Unit(s) Responsible for Policy Implementation: Vice President of Finance and Administration

Purpose of Policy (what does it do): The policy outlines the guidelines for reporting and gaining approval for dual employment at SFA and another state agency.

Reason for the addition, revision, or deletion (check all that apply):

☐ Scheduled Review

☐ Change in law

☐ Response to audit finding

☐ Internal Review

☒ Other, please explain: Information transferred to another policy.

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision:

Specific rationale for deletion of policy: Information regarding dual employment was added to the Outside Employment policy. Having two policies confused employees and hampered reporting.

Additional Comments:

Reviewers:

Loretta Doty, Director of Human Resources

Danny Gallant, Vice President for Finance and Administration

Damon Derrick, General Counsel

Dual Employment TO BE DELETED

Original Implementation: Unpublished

Last Revision: July 26, 2016

Employees who are employed in two positions within Texas government must have prior board approval and are subject to the following provisions:

- ~~1. Separate leave records will be maintained for each employment.~~
- ~~2. Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position.~~
- ~~3. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.~~
- ~~4. The state's contribution towards the taxes imposed on the employee by the Federal Insurance Contributions Act may not exceed the overall limit specified in the General Appropriations Act. The comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit.~~
- ~~5. The total state contribution toward the employee's group insurance will be limited to no more than the amount specified in the General Appropriations Act for one full-time active employee.~~
- ~~6. The employee will be entitled to receive longevity payment for no more than one employment.~~
- ~~7. Overtime compensation will accrue for each employment totally independent of the other, except that when an employee works in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA) of 1938, 29 U.S.C., sec. 201 et seq., in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.~~
- ~~8. Employees must inform both employers before accepting additional employment with the state.~~

Cross Reference: ~~Tex. Const. art. XVI, §§ 33, 40; Tex. Gov't Code §§ 667.001-.007; General Appropriations Act; Fair Labor Standards Act, 29 U.S.C. §§ 201-219~~

~~Responsible for Implementation:~~ Vice President for Finance and Administration

~~Contact for Revision:~~ Director of Human Resources

~~Forms:~~ None

~~Board Committee Assignment:~~ Academic and Student Affairs