

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Outside Employment

Policy Number: 11.19

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

Date of last revision, if applicable: 4/20/2021

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

Purpose of Policy (what does it do): This policy outlines the requirements of Stephen F. Austin State University (SFA) employees in reporting outside employment that is in addition to their employment at SFA. This policy applies to all employees of SFA except positions that require enrollment as a student.

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:

Please complete the appropriate section:

Specific rationale for new policy: N/A

Specific rationale for each substantive revision:

Specific rationale for deletion of policy: N/A

Additional Comments:

Change to internal institutional procedures.

Reviewers:

Judith Kruwell, Interim Vice President for Finance and Administration

John Wyatt, Interim Human Resources Director

Damon Derrick, General Counsel

Outside Employment

Original Implementation: April 21, 1981

Last Revision: April 1220, 20224

Purpose

This policy outlines the requirements of Stephen F. Austin State University (SFA) employees in reporting outside employment that is in addition to their employment at SFA. This policy applies to all employees of SFA except positions that require enrollment as a student.

Definitions

Outside employment is engagement in any activity for a fee, salary, wages, or other financial arrangement other than for SFA. Examples include dual employment with another entity in Texas government, establishing or joining a firm, private business, or engaging in the private practice of some professional skill, or working at another job.

Dual employment is engagement in any activity for a fee, salary or wage at another state agency or institution of higher education other than SFA.

General

University employees who propose to engage in outside employment activities must adhere to the following guidelines and any applicable laws:

1. An individual desiring permission to engage in outside employment must complete the Request for Approval of Outside Employment form and route it through administrative channels to the appropriate division head (or president if no division head oversees the office) for approval, prior to beginning outside employment. After initial approval of the outside employment, the employee will annually disclose or update such outside employment in the Employee Annual Conflict of Interest Disclosures.
2. Proper performance of the employee's university assignment is paramount and outside work will assume a position secondary to university duties.
3. The employee may not use any materials or facilities of SFA in the course of outside employment.
4. The employee will make a reasonable effort to assure that *their* ~~his/her~~ outside employment is not identified with SFA.
5. The employee cannot perform any outside employment within the hours in which they are also being compensated for employment with SFA.

In addition, the following guidelines and constraints are applied for dual employment:

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.

~~Each division head will provide a summary report to the president of individuals in their division approved for outside employment by October 31 of each year.~~

Cross Reference: Faculty Handbook, 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: Request for Approval of Outside Employment ~~form is available on the human resources website~~; Employee Annual Conflict of Interest Disclosures.

Board Committee Assignment: Academic and Student Affairs