

Outside Employment

Original Implementation: April 21, 1981

Last Revision: July 26, 2022

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

Annual Conflict of Interest Disclosures – required annual disclosures by certain university employees using the university’s online process.

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 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. An employee seeking dual employment must notify and receive approval from both the current and potential additional state employer prior to accepting multiple state employments.
2. Separate leave records will be maintained for each employment.
3. 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.
4. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.
5. 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 state comptroller shall prescribe such uniform accounting and reporting procedures as necessary to ensure that expenditures for this purpose do not exceed this limit.
6. 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.
7. The employee will be entitled to receive longevity payment for no more than one employment.
8. 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.

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 Committee

Revision History: April 20, 2021
October 29, 2018
November 2, 2015
January 27, 2015
July 16, 2013
July 20, 2010