



Dual Employment

LP 5.3

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Board of Trustees

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Human Resources

Affected Parties:

Faculty

Staff

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I Summary

This document governs how Lander University employees, both faculty and staff, in full time equivalent (FTE) positions may accept additional temporary, part time employment with the same (internal dual) or another (external dual) state agency pursuant to State of South Carolina Human Resources Regulations 19-713.01.

II Definitions

- A. Dual employment shall be limited in duration to the specific time approved, which cannot exceed 12 months.
- B. The practice of dual employment may not be used to provide continuing salaries higher than those approved by the South Carolina Department of Administration.
- C. An employee engaged in dual employment shall satisfy the requirement of the established hours of work for the primary agency. As such, work hours for the FTE position shall not normally be adjusted to allow for the dual assignment.

III Eligibility

- A. This policy applies to all employees including faculty and staff who occupy an FTE position within the university.
- B. Acceptance of dual employment without prior written approval may be grounds for disciplinary action, up to and including termination.
- C. No agency head may be dually employed by another agency or institution of higher education without prior approval by the Agency Head Salary Commission and the Department of Administration.



Dual Employment

IV Approval of Dual Employment

- A. The agency head or their designees of the primary and secondary agencies, or the agency head or their designee when the dual employment is in the same agency, are responsible for approving dual employment requests prior to the beginning of the dual employment relationship. At Lander University, the responsibility for dual employment compliance lies with the Provost/Vice President of Academic Affairs and Office of Human Resources.
- B. Because the secondary agency is responsible for coordinating dual employment arrangements, the secondary agency shall coordinate the approval and any modification for the dual employment request with the primary agency.

V Scheduling of Dual Employment

- A. Dual Employment between Two State Agencies (External Dual Employment)
 1. Ordinarily, an employee's work schedule with the primary agency shall not be altered or revised in order to provide time to perform dual employment duties for the secondary agency.
 2. An employee may be permitted to use annual leave or leave without pay to provide services during working hours for a secondary agency and may receive compensation from the secondary agency for services performed during that period of time.
- B. Dual Employment within Lander University (Internal Dual Employment)
 1. An employee who performs services outside normally scheduled hours of work at his or her primary agency may be considered to be performing dual employment and be paid additional compensation, if such services constitute independent additional job duties different from those of the employee's primary duties within the agency. Ordinarily, an employee's work schedule with the primary department shall not be altered or revised in order to provide time to perform dual employment duties for the secondary department.
 2. No employee shall receive any additional compensation from the primary agency while in a leave with pay status to include all designated holidays, annual leave, and compensatory time.
 3. Employees may not use annual leave to perform internal dual employment.
 4. Faculty members may engage in dual employment during the academic year. Summer school teaching is not considered dual employment since it is outside of the base employment period.
 5. The agency head should approve dual employment within the same agency only when extraordinary circumstances exist based on the agency's business needs.



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VI Compensation for Dual Employment

- A. No compensation for dual employment shall be paid to an employee prior to the approval of a dual employment agreement.
- B. No compensation for dual employment shall be added to the base salary of any employee in an FTE position.
- C. Both the primary agency and the secondary agency must comply with the provisions of the Fair Labor Standards Act (FLSA), as applicable. The secondary agency or department is responsible for any overtime incurred because of the dual employment relationship.
- D. Compensation for dual employment will be determined by the secondary or requesting agency; however, 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 with the employing agency for that fiscal year.
- E. The primary agency is responsible for ensuring that dual employment payments made to employees do not exceed the 30% limitation within the fiscal year. The Division of State Human Resources (DSHR) is authorized to approve exceptions to the 30% limitation based on written justification submitted by the agency.
- F. The primary agency should process dual employment requests in a timely manner. The secondary agency must make payment of funds approved for and earned under dual employment within 45 days of the beginning of employment.
- G. No employee shall be eligible for any additional fringe benefits, including but not limited to annual leave, sick leave, military leave, state insurance, and holidays because of dual employment. However, dual employment compensation shall be subject to tax and retirement deductions, as required.
- H. Lander employees hired by another state institution/agency in a dual employment agreement will be paid directly by that agency/institution.
- I. Dual employment performed by nonexempt employees generally are not approved.

VII Conflict of Interest

- A. No state employee may accept any work or compensation that could be reasonably construed as a conflict of interest according to the State Ethics Law and applicable University policy and may be grounds for disciplinary action, up to, and including termination.
- B. In the event external dual employment is approved, no Lander University resources may be used in performing these duties, including but not limited to, computers, equipment, supplies, other property or personnel.



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VIII Dual Employment Recordkeeping

- A. All dual employment requests must be in writing and contain the following information:
 - 1. Name of secondary agency;
 - 2. Description of services/duties to be performed, beginning and ending dates of the employment, hours of work, and the FLSA status of the work to be performed for the secondary agency;
 - 3. Name of primary agency;
 - 4. Name of employee, state title of the employee's position, the FLSA status of the employee's position at the primary agency, present annualized salary of the employee, and scheduled hours of work at the primary agency.;
 - 5. Amount and terms of compensation; if applicable; and
 - 6. Signature of agency head's designee which is the Office of Human Resources but includes approval by the employee's primary supervisor, the Controller of Lander University, along with the employee's signature of acceptance. The secondary agency's designee is responsible for authorizing the dual employment as well as obtaining the employee's signature.
- B. For each dual employment arrangement, both the primary and secondary agency must maintain the written dual employment request. When the dual employment is within the same agency, that agency must maintain a written dual employment request for each dual employment arrangement.