

Dual Employment

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Purpose

The dual employment policy is a statewide uniform policy to be followed when one state department secures the services of an employee of another state department on a part-time, consulting, or contractual basis. It is recognized that conditions vary widely from department to department, however this policy will attempt to cover as many different situations as possible and to strike a sound balance between the interests of the state, the department, the employee and the public. For employees engaged on a full-time basis, any additional work for other than a state department is termed secondary employment and is covered in the State Personnel Manual

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Applies to (FDWRQV DQG (FOXVLRQV

The policy applies to all state employees both subject and exempt from the provisions of the State Personnel Act and to all state departments. It does not apply to employees in the public school system nor to employees of institutions in the community college system. Employees in these systems are not state employees (for the purposes of Dual Employment regulations); they are employed by local boards of education and local boards of trustees. This policy applies only in situations involving one employee and two agencies. For situations involving one employee assuming dual roles within the same agency, see the State Personnel Manual, Section 7, "Occasional or Sporadic Employment in a Different Capacity."

Definitions

Parent department

The state department, agency, or institution having control over the services of the employee, and from which the employee receives his or her regular paycheck.

Borrowing department

The state department, agency, or institution seeking, on a temporary or part-time basis, the services of

hours during which the employee advises might be fixed, or the employee might have option of scheduling his/her own appointments. Variable employees are considered to be on their own time except at those hours when they are required to be in scheduled on-duty status.

Instructional Contractual Services

The employment by one higher education institution of a teacher under contract to another institution: An example of this practice is the exchange of teachers between two proximate institutions, such as the North Carolina School of the Arts and Winston-Salem State University.

Honoraria

Notwithstanding any definitions previously given or henceforth to be given to the word "honorarium", any payment by one agency to an employee of another agency for any type of services is subject to the procedures of the Uniform State-Wide Policy on Dual Employment.

Guidelines

Permission of parent department

The administrative head of the parent department must give approval in writing in each instance of an employee's performing services for pay for another state department.

Approval should be granted or withheld after a careful weighing of the circumstances, considering such factors as the character of the services to be performed, the effect on the morale of other state employees, the ethical considerations involved, the temporary loss of the services of the individual to the parent department, the possibly reduced efficiency of the individual as a result of fatigue or inattention to primary responsibilities, the urgency of the situation, possible alternative arrangements, and other pertinent factors. If the administrative head of the department is to perform services for pay for another state department, the Office of State Budget, Planning and Management must approve the arrangements.

Statement of employee's immediate supervisor

In any case of services performed for pay for a borrowing department during an employee's "own time", the employee's immediate supervisor must certify in writing that (a) the actual work and any related travel time will be performed outside of regularly scheduled working hours, and (b) The employee will not use "company time" to prepare for the services to the borrowing department.

Payment for services

It is assumed that certain officials will make outside appearances and speeches, which are in fact a part of their normal duties, and such officials should not expect to be paid for these occasions.

If payment is to be made for services, the rate must be agreed upon in advance and may not be increased merely because additional funds become available. Neither are retroactive payments permissible to persons who have already performed services without compensation. Commuting expenses are not reimbursable.

Compensation must be in accordance with the minimum wage and overtime pay provisions, which require overtime payments of time and ~~half~~ the employee's regular rate of pay for the hours worked in excess of 40 in the week. However, if during any given workweek the employee does not perform any work for the parent department, no overtime payment will be required unless the employee works more than 40 hours for the borrowing department.

If a straighttime employee is on authorized leave from regular duties with the parent department, the employee may be paid for the extra work on the same basis as in the paragraph above.

In all cases of additional payment to an employee, the parent (lending) department must make the payment to the employee as an addition to the employee's ~~regular~~ pay. This is necessary to maintain the integrity of the retirement, social security, and federal and state income tax records.

The parent department will budget and receive all payments from the borrowing agency as agency receipts, in an account ~~item~~ "Reimbursement Dual Employment". It is not permissible to handle such payments as refunds of expenditures. If the conditions above (no additional pay) apply, any receipt from the borrowing agency will be handled by the lending department as an over-realization of the receipts line item.

Maintaining Records

The extent of the practice of ~~crossing~~ in state government must be periodically assessed. Borrowing departments must, therefore, maintain the following information for each instance:

- Employee information
 - Name of employee borrowed
 - Classification, rank, or title
 - Parent agency of employee
 - Character of services performed (lecture, consultation, etc.)
- Time (hours and days) employed by borrowing department:
 - During employee's regularly ~~scheduled~~ working hours
 - During employee's own time
- Amount of payment to parent department:
 - For services
 - For employer's retirement and social security contributions
 - For indirect expenses of parent department
 - For related direct costs of parent ~~depart~~.

Copies of the parent department head's approval must be attached. If applicable, the statement of the employee's immediate supervisor referred to under Guidelines, on page 6, must also be attached.

Instructional Services

For this type of regular ~~session~~ dual employment, (and not applicable to summer school), the following procedures for payment will apply where the teaching covers one or more courses for an entire academic period (quarter or semester):

- The permission of the administrative head of the parent institution and/or the teacher's immediate supervisor is implied and need not be documented.
- The rate of pay and the amount of any related expenses must be agreed upon in writing in advance.
- Any additional salary payment made to the loan teacher for these outside services may be included on the parent institution's regular payroll and may be paid out of the salaries line item carrying the teacher's regular contract salary. In these cases it is not necessary to make payments from "Dual Employment Wages", and no budget revision is necessary unless the ~~over~~ realized receipts from the borrowing agency are required for a substitute teacher.
- Ordinarily, any supplemental pay to the teacher for outside teaching would be handled on the parent institution's payroll as in the following example, where the regular contract pay is \$1,500 per month and the pay for outside services is \$200: Rate = \$1,500; Gross Pay = \$1,700.
- If the parent institution suffers a loss as a result of the loan of the teacher; the teacher's total compensation should be adjusted. Example: There is a teacher whose ~~regular~~ salary for teaching four classes per semester is \$9,000. By arrangement, the teaching assignment at the parent institution for the year is reduced to two classes per semester, but the teacher will teach two classes at another institution. The teacher's regular salary would ordinarily remain the same