

ADMINISTRATIVE DIVISION HR Division of Human Resources		POLICY NUMBER HR 1.78
POLICY TITLE Dual Employment		
SCOPE OF POLICY USC System		DATE OF REVISION February 7, 2020
RESPONSIBLE OFFICER Vice President for Human Resources		ADMINISTRATIVE OFFICE Division of Human Resources

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PURPOSE

The Dual Employment policy delineates the requirements which must be met to allow university faculty and staff to accept additional, part-time, temporary employment within the university or with another state agency or state institution.

DEFINITIONS

Base Period: The period of time that defines the regular annual schedule of employment. Employees on an academic year appointment have a base period of nine months running from August 16 to May 15. Employees on a calendar year appointment have a base period of twelve months.

Dual Employment: An agreement by which an employee within an FTE position with an employing agency accepts temporary, part-time employment with the same or another agency.

Employing Agency: The agency which has the primary control over the services of the employee and the right to direct the employee in how the work is performed.

Faculty Overload: additional teaching assignment given to an FTE or RGP/TL faculty member beyond their standard load but within their discipline and within their home department.

Fair Labor Standards Act (FLSA): The FLSA establishes minimum wage, overtime pay,

recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

Full-Time Equivalent (FTE): A position authorized by the General Assembly which is expressed as a numerical value as a percentage of time in hours and of funds.

Nonexempt Employees: Employees of the University of South Carolina who are covered by the Fair Labor Standards Act (FLSA) and who are subject to both the minimum wage and overtime requirements of the law.

Requesting Agency: The agency engaging the services of and providing compensation to any employee for services which are clearly not a part of the employee's regular job.

POLICY STATEMENT

This document sets forth the University of South Carolina policy on dual employment for faculty and staff, pursuant to regulations of the South Carolina Division of State Human Resources and applicable statutes.

A. Eligibility

1. Faculty and staff in full-time equivalent (FTE) positions may accept additional temporary, part-time employment with the same or another state agency or state institution, provided that prior written approval is obtained for each dual employment arrangement.
2. Employees in the following positions are not eligible for compensation for internal dual employment.
 - i. Vice presidents
 - ii. Chancellors, vice chancellors
 - iii. Vice provosts
 - iv. Academic or campus deans
 - v. Members of the President's Executive Council not specified above
 - vi. Chief Audit Executive
3. No agency head may be dually employed by another agency or institution of higher education without prior approval by both the Agency Head Salary Commission and the SC Department of Administration.

B. Restrictions

1. The practice of dual employment may not be used to provide continuing salaries higher than those approved by the South Carolina Department of Administration.
2. An employee engaged in dual employment must satisfy the established hours of work for the employing agency or institution except as noted in Section D.2. of this policy.
3. Dual employment must be limited to the specific time approved which may not exceed 12 months.
4. No state employee may accept any work or compensation that could be reasonably construed as a conflict of interest or a conflict of commitment according to the State Ethics Law and applicable university policies.
 - i. Acceptance of dual employment without prior written approval that is determined to be a conflict of interest or conflict of commitment will be grounds for disciplinary action including termination.
 - ii. As necessary, the propriety of dual employment or compensation for services rendered will be considered by all parties concerned. Counsel from the Office of the Attorney General or the State Ethics Commission may be necessary to make such determinations; however, requests for counsel must be coordinated through the USC Division of Human Resources and the USC Office of the General Counsel.

C. Dual Employment between Two Agencies (External Dual Employment)

1. The requesting agency is responsible for coordinating and managing all dual employment arrangements with the employing agency prior to the beginning of the dual employment relationship.
2. The employing agency is responsible for taking timely action on any dual employment requests.
3. Scheduling External Dual Employment
 - i. Generally, an employee's work schedule with the employing agency should not be altered or revised to provide time to perform dual employment for the requesting agency.
 - ii. However, an employee may be permitted to use annual leave or leave without pay to provide services during working hours for a requesting agency and may receive compensation from the requesting agency for services performed during the period of leave.

D. Dual Employment within the University (Internal Dual Employment)

1. Faculty and staff who perform services outside of their regularly scheduled work hours may be paid additional compensation if such services constitute independent, additional job duties separate from those of the employee's primary university position. Faculty may only engage in dual employment during their base period of employment, but outside of normally scheduled work hours.
2. However, upon prior written approval from the dean, department head, or appropriate administrator, faculty and staff may alter their normal work hours to teach University 101 or to engage in other unique opportunities. Written approval to alter the normal work hours must be included in the dual employment agreement that is sent to the Division of Human Resources, Human Resources Operations and Services.
3. Additional work performed by faculty outside of their contract in the same discipline and within their home academic unit is not considered dual employment. For additional courses, faculty may be compensated as a faculty overload. Other work may be compensated using a temporary salary adjustment if the duration is expected to be less than 12 months or special assignment pay if the duration is indefinite, pursuant to university policy HR 1.79.
4. Additional work performed by faculty outside of their contract in another discipline or outside their home academic unit is considered dual employment.
5. Sponsored research by faculty during the base period of employment is considered to have been compensated as part of the faculty member's base pay.
6. An employee shall not receive any dual compensation from the university while in a leave with pay status which includes all designated university holidays, annual leave, sick leave, and compensatory time.

E. Compensation for Dual Employment

1. Compensation for dual employment does not increase the base salary of any faculty or staff employee.
2. No compensation for dual employment may be earned or paid to an employee until a written dual employment agreement has been approved.
3. The maximum compensation an employee may receive for dual employment in a fiscal year may not exceed 30% of the employee's annualized salary for that fiscal year. The Division of State Human Resources may approve justified exceptions to the 30% limit upon written request by the Division of Human Resources.
4. Compensation for dual employment will be determined and paid by the requesting agency.

5. The employing agency is responsible for ensuring that dual employment payments made to its employees within one fiscal year do not exceed the 30% limitation.
6. All dual employment performed by employees whose positions are nonexempt from the provisions of the Fair Labor Standards Act must be compensated according to the requirements of the law. Compensation for dual employment must be in the form of wages paid directly to the individual.
7. Dual employment compensation is subject to tax and retirement deductions as required.
8. Payment of dual employment compensation must be made in a timely manner consistent with state law.
9. During dual employment, an employee is not eligible for additional benefits, including but not limited to annual leave, sick leave, military leave, state insurance, and holidays.

F. Recordkeeping

1. All dual employment transactions, including modifications to dual employment agreements, whether the university is the employing or the requesting agency, must be submitted to the USC Division of Human Resources, Human Resources Operations and Services, prior to the effective date of each individual agreement.
 - i. For all USC Columbia and Regional Palmetto College tenured and tenure-track faculty who receive compensation through dual employment, requests must be approved prior to the effective date by the USC Columbia Provost or their approved designee, regardless of the amount of compensation.
 - ii. For tenured and tenure-track faculty of the Comprehensive Universities who receive compensation through dual employment, requests must be approved prior to the effective date by the respective vice chancellors for academic affairs or their approved designee, regardless of the amount of compensation.
2. Each request for approval of dual employment must apply to only one specific dual employment agreement.
3. Dual employment agreements between state agencies must be approved by the respective agency directors or their designees prior to the effective date of the dual employment.
4. An approved dual employment form must be retained by both the employing and the requesting agency.
5. For external dual employment approvals contingent upon appropriate leave being taken, accountability for the leave is the responsibility of the employee and the employee's home department. All leave and payroll records are subject to audit.

PROCEDURES

Procedures, forms, and general guidance related to this policy can be found on the Division of Human Resources website at <http://hr.sc.edu/>.

RELATED UNIVERSITY, STATE AND FEDERAL POLICIES

Fair Labor Standards Act

[SC Code of Laws Section 8-13-100 through Section 8-13-1520 \(Ethics Act\)](#)

[State Human Resources Regulations 19-713](#)

[ACAF 1.50 Outside Professional Activities for Faculty](#)

[BTRU 1.18 Conflict of Interest](#)

[BTRU 1.20 Dishonest Acts and Fraud](#)

[HR 1.02 University of South Carolina Ethics Policy](#)

[HR 1.79 Salary Adjustments Outside of Base Pay](#)

[HR 1.81 Summer Compensation for Faculty](#)

[RSCH 1.06 Disclosure of Financial Interests and Management of Conflicts of Interest Related to Sponsored Projects \(Research\)](#)

HISTORY OF REVISIONS

DATE OF REVISION	REASON FOR REVISION
January 31, 2019	Updated to new format Updated duration limit (no longer constrained by the fiscal year end) Clarified that all paperwork must be completed prior to the beginning of the employment relationship
February 7, 2020	Add faculty overload as appropriate type of additional pay for teaching beyond standard load.