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PROCEDURE FOR: All Campuses
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ISSUED BY: Division of Human Resources

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I. Purpose of Policy

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

II. Policy Statements

A. It is the policy of the State Budget and Control Board that:

1. State employees 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. The practice of dual employment may not be used to provide

continuing salaries higher than those approved by the State Budget and Control Board.

3. An employee engaged in dual employment must satisfy the established hours of work for the employing agency or institution except as noted in Section II.F.3. of this policy.
4. Dual employment must be limited to the specific time approved which may not exceed 12 months or extend beyond a fiscal year.

B. Conflict of Interest

1. 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 policies.
2. Acceptance of dual employment without prior written approval that is determined to be a conflict of interest will be grounds for disciplinary action including termination.
3. 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. Eligibility

1. Faculty and staff in full-time equivalent (FTE) positions are eligible to engage in dual employment upon written approval of the appropriate authorities.
2. Employees in the following positions may not receive compensation for internal dual employment.
 - a. vice presidents
 - b. chancellors, vice chancellors
 - c. vice provosts
 - d. academic or campus deans
 - e. members of the President's Administrative Council not specified above
 - f. Director of Internal Audit
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 Budget and Control Board.

D. 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.
2. The employing agency is responsible for taking timely action on any dual employment arrangements.
3. Scheduling External Dual Employment
 - a. An employee may not receive additional compensation for dual employment performed during the employee's regular work schedule unless the employee takes annual leave or leave without pay.
 - b. An employee's work schedule with the employing agency may not be altered or revised to provide time to perform dual employment for the requesting agency.

E. 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 employment period, but outside of normally scheduled work hours. (Additional compensation earned by faculty outside of their base employment period is considered to be Extra Compensation, or Summer School teaching. See Human Resources policy HR 1.81, "Summer Compensation for Faculty" at <http://www.sc.edu/policies/hr181.html>.)
2. Sponsored research by faculty during the base employment period will be considered to have been compensated as part of the faculty member's base pay.
3. An employee may not receive additional compensation from the University while in a leave with pay status which includes all designated University holidays*, annual leave, sick leave, and

compensatory time; however, upon prior written approval from the dean, department chair, or appropriate administrator, faculty and staff may be allowed to alter their normal work hours to teach University 101 or to engage in other unique opportunities. Written approval to alter the normal work hours becomes part of the dual employment agreement that is sent to the Division of Human Resources, Office of Salary Administration.

*Work/research conducted on the Fourth of July holiday may be compensable through extra compensation provided such compensation is permitted in the applicable federal grant.

F. Compensation for Dual Employment

1. Compensation for dual employment may not be added to 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. In the event the agreement is requested after the dual employment has begun, the requesting unit must provide a full explanation for the late submission to accompany the request.
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.
4. Compensation for dual employment will be determined by the requesting agency; however, 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.
5. Compensation for dual employment must be in the form of wages paid directly to the individual. Dual employment compensation is subject to tax and retirement deductions as required.
6. Faculty and staff whose positions are exempt from the provisions of the Fair Labor Standards Act and who engage in independent additional duties may receive compensation through dual employment, or may volunteer their services without compensation in exchange for funds being transferred to their college or department's budget for use in official University business. In such cases, the volunteer effort is not considered to be dual employment. The amount to be transferred may not exceed the amount one would receive as salary for teaching for an equivalent

amount of time, and the amount will not include fringe benefit expenses.

7. All dual employment performed by employees whose positions are non-exempt from the provisions of the Fair Labor Standards Act must be compensated at a rate of no less than one and one-half times the normal hourly rate.
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.

G. Exceptions

At its discretion, the South Carolina Office of Human Resource may approve justifiable exceptions to these policies and regulations upon written justification by the appropriate administrator through the USC Division of Human Resources.

III. Procedures

A. Dual Employment Requests

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, Office of Salary Administration, prior to the effective date of each individual agreement.

For all Columbia and regional campus tenured and tenure-track faculty who receive direct compensation through dual employment, requests must be approved prior to the effective date by the USC Columbia Provost, regardless of the amount of compensation. For tenured and tenure-track faculty of other senior campuses, requests must be approved prior to the effective date by the respective vice chancellors for academic affairs, 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. An approved dual employment form must be retained by both the employing and the requesting agency.

4. For 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.
- B. USC employees hired by another state agency in a dual employment agreement will be paid directly by that agency.

IV. Summary of Substantive Changes to the Dual Employment Policy

- A. Clarifies that dual employment applies to employees in full-time equivalent (FTE) positions.
- B. Prohibits senior administrative personnel from receiving compensation for internal dual employment.
- C. Prohibits adding compensation for dual employment to an employee's base salary.
- D. Provides that dual employment performed by non-exempt employees must be compensated at no less than one and one-half times the employee's normal hourly rate.
- E. Provides that with written approval from the appropriate administrator, faculty and staff may be allowed to alter normal work hours to teach University 101 or to engage in other unique opportunities.
- F. Provides that compensation for dual employment must be in the form of wages paid directly to the employee.
- G. Provides that faculty and exempt staff may voluntarily engage in independent additional duties in exchange for funds being transferred to their college or department's budget for use in official University business, and that voluntary services are not considered to be dual employment.
- H. Requires that requests for dual employment for tenured and tenure-track faculty must be approved by the USC Columbia Provost, or respective Vice Chancellors for Academic Affairs, as appropriate, regardless of the amount of compensation.