



Policy Title:	Dual and Outside Employment
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Policy Management Area(s):	Human Resources and Equal Opportunity

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SUMMARY:

This document sets forth Coastal Carolina University's (CCU) policy on dual and outside employment for faculty and staff pursuant to State of South Carolina Human Resource Regulations, and other applicable statutes.

POLICY:

I. DUAL EMPLOYMENT

- A. Dual employment only applies to those employees who hold full-time equivalent (FTE) positions within the University. For additional information, refer to CCU policy FAST-216 Minimum Wage and Overtime.
- B. Questions about this policy should be directed to CCU's Office of Human Resources (HR).

II. POLICY

- A. It is the policy of the SC Department of Administration that:

1. State employees in 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 Department of Administration.
3. An employee engaged in dual employment must satisfy the established hours of work for the employing home 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 twelve months or extend beyond a fiscal year.

B. Conflict of Interest

1. No state employee may accept any work or compensation that could reasonably be construed as a conflict of interest according to the State Ethics Law and applicable University policies.
2. Acceptance of dual employment that is determined to be a conflict of interest without prior written approval may 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 Coastal Carolina University's HR Office and University Counsel.
4. In the event external dual employment is approved, Coastal Carolina University resources may not be used for the external employment, including, but not limited to, computers, equipment, supplies, other property or personnel. An exception to this provision exists in SC Code of Laws § 23-24-10 for use of official uniforms, weapons, and like equipment by uniformed law enforcement officers and reserve police officers with the permission of the law enforcement agency and governing body by which they are employed.

C. Eligibility

1. Faculty, staff, and administrators in full-time equivalent (FTE) positions may be eligible to engage in dual employment upon written approval of the appropriate authorities.
2. No agency head may be dually employed by another agency or institution of higher education without prior approval by both the SC Agency Head Salary Commission and the SC Department of Administration.

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 arrangement.
3. Work performed by a Coastal Carolina University faculty member at another state agency or institution in South Carolina is considered external dual employment regardless of the faculty member's base period.

4. Scheduling external dual employment:
 - a. 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.
 - b. An employee may not receive additional compensation for dual employment performed during the employee's regular work schedule unless the employee takes annual leave, leave without pay or out-of-base-period time off.
5. The requesting agency is responsible for payment of overtime incurred by non-exempt personnel which resulted from performing dual employment work at that agency/institution.

E. Dual Employment within Coastal Carolina University (Internal Dual Employment)

1. Internal dual employment is granted based on demonstrated University need and is not a right of University employees. All dual employment paperwork must be approved by HR prior to the start date of the role. If any provisions of the dual employment arrangement violate SC State regulations or this policy, disciplinary action may be deemed appropriate.
2. Faculty, staff and administrators 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.
3. Upon prior written approval from the dean, department head/chair, or appropriate administrator, the employees may be allowed to alter their normal work hours to teach *based on University need* or to engage in other unique opportunities.

F. Guidelines for adjusting work schedules:

1. Time absent from the employee's primary role must be made up within the same workweek that the dual employment took place. Employees may not bank time in advance or make up this time in a later work week.
2. Employees may not use University holidays, annual leave, sick leave, or compensatory time to cover the time absent in the dual employment role. Exempt personnel who are paid for the dual work on a salary basis are expected to make up any missed dual work. If that is not feasible, it may be necessary to adjust the dual employment arrangement and compensation adjusted accordingly.
3. Written approval to alter the normal work hours becomes part of the dual employment arrangement that is sent to HR and is subject to the approval of HR prior to the employee engaging in the dual employment.
4. Faculty may only engage in internal dual employment during their base employment period, but outside of their normally scheduled work hours. Additional compensation earned by faculty members outside of their base employment period is considered to be extra compensation or summer school teaching. Refer to FAST-XXX Faculty Summer Compensation policy.
5. A faculty member may be eligible for dual employment for funded research (internal or external) if the research is performed outside of the faculty member's normally scheduled work hours.

6. CCU does not usually approve dual employment during a period in which a faculty member is on an approved scholarly reassignment or sabbatical with pay. Requests for exceptions must be submitted in writing and require pre-approval through the employee's administrative channel.

G. Compensation for Dual Employment

1. Compensation for dual employment may not be added to the base salary of any employee in a full-time equivalent position (FTE).
2. No compensation for dual employment may be earned or paid to an employee until a written dual employment form has been approved.
3. Typically, wages for a dual employment position should equal no more than 30 percent of the annualized salary the employee receives for their primary position unless administratively approved.
4. Compensation for dual employment will be determined by the requesting agency; however, the employing (home) agency is responsible for ensuring that a dual employment position accounts for no more than 30 percent of its employee's annual (based on one fiscal year) compensation. Faculty engaged in dual employment at another state agency/institution outside of base period cannot earn more than the permissible CCU rates for teaching and/or research.
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. 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.
7. Payment of dual employment compensation must be made in a timely manner consistent with state law.
8. 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 holiday pay.

H. Exceptions

At its discretion, the South Carolina Division of State Human Resources (DSHR) may approve legitimate or reasonable exceptions to these policies and regulations, including dual employment requests exceeding 30 percent of annualized salary, upon written justification by the appropriate administrator through CCU's HR Office.

I. Dual Employment Requests

1. Whether the University is the employing or the requesting agency, all dual employment transactions, including modifications to dual employment forms, must be submitted to HR prior to the effective date.
2. Each request for approval of dual employment must apply to only one specific dual employment arrangement.
3. Dual employment forms between state agencies/institutions must be approved by an agency-authorized individual prior to the effective date of the dual employment.

An approved dual employment form must be retained by both the employing and the requesting agencies.

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.
- J. CCU employees hired by another state agency/institution in a dual employment arrangement will be paid directly by that agency/institution.

III. OUTSIDE EMPLOYMENT

- A. It is the policy of Coastal Carolina University that personnel may not engage in outside employment or business activities except as authorized in this policy.
- B. For the purpose of this policy, outside employment is defined as employment with compensation outside of the University including, but not limited to, paid consulting or owning a business. Employment with another state agency in South Carolina may be permitted under the Dual Employment section of this policy.
- C. An employee may engage in outside employment for compensation where the following conditions are met:
 1. The employee will submit a completed Outside Employment/Business Request form and receive prior approval from their supervisor.
 2. The employee will engage in the approved outside employment only during non-duty hours or when the employee is on pre-approved annual leave, compensatory leave, holiday leave, or leave without pay.
 3. The employee will not use University facilities, funds, supplies, personnel, services, time, or resources for the accomplishment of the outside employment.
 4. The employee will not represent, nor claim to represent, Coastal Carolina University while engaged in outside employment, nor will the employee claim to establish University policy by their participation in the form of outside employment.
 5. The employee will not engage in outside employment which interferes with the needs of the University or which creates a conflict of interest with their employment at the University. "Conflict of interest" for purposes of this provision, means:
 - a. The outside employment activity has an objective contrary to the mission of the University, or gives the appearance of having such an objective;
 - b. The outside employment activity is with an entity or person regulated by the University or with whom the University has a business relationship; or
 - c. The outside employment prevents the employee from fulfilling the requirements of their responsibilities as an employee of Coastal Carolina University.
 6. The employee will not engage in outside employment as a consultant to any person or entity in an attempt to circumvent the above described conflicts of interest.
 7. The employee will not engage in outside employment that constitutes an unauthorized practice for state employees under the policies or laws of the state.

8. The employee will not use their position with Coastal Carolina University, nor any information gained as a result of their University position, to secure, continue, promote, or otherwise affect the outside employment.
9. For purposes of this policy, employment includes acting as a consultant or having any interest or association in an entity which provides services which would be prohibited by this policy if performed by the employee directly.
 - a. This does not preclude professional consultation by faculty under the guidelines embodied in the Faculty Manual or by staff on a limited basis subject to proper administrative approval.

IV. POLICY VIOLATION

Violation of this policy may result in revocation of authorization of outside employment and/or disciplinary action, as appropriate.

V. RELEVANT POLICIES

- A. FAST-216 Minimum Wage and Overtime
- B. FAST-XXX Faculty Summer Compensation