

Policies of the University of North Texas	Chapter 5
1.2.2 Dual Employment and Other Activities	Human Resources

Policy Statement. To set forth policy and guidelines regarding dual employment and other activities, including external development and marketing of intellectual property by faculty and staff members.

Application of Policy.

All Faculty and Staff

Definitions.

None

Procedures and Responsibilities.

1. Policy.

The University recognizes the common practice of faculty and staff members to hold more than one employment or position due to needs, interest or development. However, dual employment, interests and activities, including external development and marketing of intellectual property must not interfere or conflict with the faculty or staff member's position with the University. Also, employees who have dual employment within the University or who are employed with another State agency or institution are subject to the provisions outlined below in Section 5, Dual Employment with the State. Compensation for dual employment within the University must be in compliance with Policy No. 1.6.5, "Supplemental Compensation". Nothing in this policy should be interpreted as granting a faculty or staff member a property interest or right to continued dual employment or involvement in other activities.

2. Approval.

Prior administrative approval from the President or appropriate Vice President generally is not required. However, dual employment, whether compensated or not, must be reported to the department official who has the responsibility for determining whether the dual employment interferes or conflicts with the faculty or staff member's position with the University (i.e., Department Chair, Director, or Dean) unless otherwise directed by the appropriate Vice President or the President. Dual employment and other activities should be reported in writing, using the "Request for Approval of Outside Employment" Form. Should it be determined that a conflict exists, the faculty or staff

member may not accept or continue the other employment or position. The faculty or staff member may request a review of the decision to levels of management.

If it is determined that a conflict exists and if the faculty or staff member has accepted or accepts the other employment, he or she must voluntarily resign the other employment. If the faculty or staff member does not resign the other employment voluntarily, the department official who made the initial determination may recommend other action, including discharge, to see that the University duties are performed properly.

In accordance with section 61.0815 of the Texas Education Code, all approved dual employment by faculty and professional staff as a consulting or as a testifying expert witness in lawsuits in which the State of Texas is a party must be reported to the appropriate Vice President. Faculty or professional staff means a person who is employed full-time whose duties include teaching, research, administration, or the performance of professional services, including professional library services. The Vice President must report the following information to the Human Resources Department without identifying the name of the individual:

- a. The amount of time the faculty or professional staff member spends on the employment; and
- b. The name and case number of the lawsuit.

Prior administrative approval is required for a faculty or staff member to hold elective or other non-elective offices or positions of honor, trust or profit with any governmental entity (see items 4.2 and 4.3 below).¹ In such cases, the President is authorized by the Board of Regents to determine whether such employment or position held or sought by any faculty or staff member would be a conflict with the individual's position with the University.²

3. Guidelines.

Dual employment by any faculty or staff member is authorized provided it meets the following guidelines:

- a. That it does not interfere with the regular work of the employee;
- b. That it involves only a reasonable amount of time, involvement, and duration;
- c. That it avoids unfair competition with legitimate private enterprises;
- d. That the official capacity or connection of the employee is not used in connection with the other employment;

- e. That it does not conflict with any federal or state law or constitutional provisions, nor possess a reasonable potential for such a conflict.

4. General.

1. Other employment and activities for a faculty or staff member that are directly related to the professional activities of the individual and contribute to the general welfare of the University are permissible provided such employment and activities meet the guidelines in Paragraph 4 above. Consulting, professional performance, and other employment and activities undertaken by a faculty member should contribute to his/her performance as a teacher and as a productive scholar, and should contribute to the individual's and the University's obligation of public service.
2. Faculty and staff members may hold non-elective offices with Boards, Commissions, and other state and federal entities provided that the holding of such office, (1) is required by state or federal law, and (2) is not in conflict with the employees position. Such appointments must be approved by the President. (Texas Constitution, Article 16, Section 40)
3. Faculty or staff members may serve as members of the governing bodies of school districts, cities, towns, or other governmental districts; provided, however, that they receive no salary for serving as members of such governing bodies; subject to prior administrative approval by the President. (Texas Constitution, Article 16, Section 40)
4. The use of University equipment or facilities in connection with outside employment or activities by members of the faculty or staff is prohibited except in cases where such use is clearly justified and is approved in writing by the President through normal administrative channels.

5. Dual Employment with the State:⁴

Dual employment within the University or with another State agency or institution must be reported to the Human Resources Department and Payroll Office by the faculty or staff member so that steps may be taken to maintain personnel and leave records in compliance with the following provisions:

A person who is legally employed by more than one State of Texas agency or institution of higher education may not receive benefits from the state in excess of those provided for one full-time employee. A person so employed is subject to the following provisions and must be informed of them before she or he becomes employed by more than one agency or institution:

- a. Separate vacation and sick leave records must be maintained for each employment. When the person terminates from one employment, her or his leave balances that were accrued under that employment may not be transferred to the remaining employment(s).
- b. The person accrues state service credit for all purposes as if she or he had only one employment.
- c. If applicable, the state's contribution towards the taxes imposed on the person by the Federal Insurance Contributions Act (FICA) may not exceed the overall limit specified in the Appropriations Act. The Comptroller shall prescribe uniform accounting and reporting procedures to ensure that the contribution does not exceed this limit.
- d. The total state contribution towards the person's group insurance is limited to the amount specified in the Appropriations Act for a full-time equivalent active employee.
- e. Overtime compensation accrues to an employment independently of every other employment with the following exception. If the person is subject to the overtime provisions of the Fair Labor Standards Act of 1938 (FLSA) in an employment, the employing agencies and institutions must ensure that the person is compensated for all combined time worked in excess of 40 hours per week according to the FLSA overtime provisions. The agencies and institutions shall coordinate to determine which agency or institution is responsible for ensuring that the employee is properly compensated according to those provisions. See also Policy No. 1.4.2, "Compensatory Leave and Overtime".
- f. The person must inform her or his employing state agencies or institutions of higher education of the dual employment before accepting an additional employment with another agency or institution.

UNIVERSITY OF NORTH TEXAS

Request for Approval of Outside Employment

In accordance with policies of the Board of Regents, faculty and staff members proposing to engage in outside employment activities must submit the following information for approval by their respective department/division chairperson or supervisor and dean for approval prior to engaging in the proposed activity.

1) Name of Employee:

2) Department/Division:

3) Name of proposed employer or activity:

4) Location of proposed employment or activity:

5) Anticipated dates and length of outside employment:

Estimated Equivalent Days:

6) Description of outside employment activity:

7) During the course of outside employment will use be made of any university equipment, facilities, or services?

YES _____ NO _____ If yes, what use will be made?

If yes, are any of the costs to be reimbursed to the University? YES _____ NO _____

Please explain:

7) Please list other reported outside employment activity currently in effect:

9. If the outside employment activity includes employment as a consulting or testifying expert witness, state the names of the parties and the cause number:

I hereby certify that I have read University of North Texas Policy 1.2.2 (Dual Employment and Other Activity) and that the outside employment activity reported here complies with the policy and does not constitute a conflict of interest and will not interfere with my regular employment at The University of North Texas.

EMPLOYEE'S SIGNATURE DATE

All reported outside employment activity must be submitted to the appropriate chairperson or supervisor and dean to determine conformance of the proposed activity with the guidelines stated in University of North Texas Policy 1.2.2 (Dual Employment and Other Activity). After completing the review the individual approving the outside employment or other activity should indicate his or her approval or disapproval below and indicate whether the faculty or staff member requests a review of the determination.

Submission Date Signature Approved/Disapproved

Chairperson or Supervisor:

Dean or Director:

Review requested?

Date Review held:

Reviewer's Signature:

Reviewer's Comments:

Responsible Party:

References and Cross-References.

Policy No. 1.6.5, Supplemental Compensation

Policy No. 1.4.2, Compensatory Leave and Overtime

Policy No. 1.2.2, Dual Employment and Other Activity

Texas Education Code, Section 61.0815

¹Sec. 574.001, Texas Government Code; Article XVI, Sections 33 and 40, Constitution of the State of Texas.

²Board of Regents Resolution, Re: Outside Employment, February 28, 1975 (President's Bulletin, Vol. 6, No. 3).

³Sec. 574.001, Texas Government Code; Article XVI, Sections 33 and 40, Constitution of the State of Texas.

⁴Sec. 666, Texas Government Code.

Approved: 2/1/1975

Effective:

Revised: 9/95; 9/99; 7/01; 8/03*

*Reviewed with no change

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