

HORRY-GEORGETOWN TECHNICAL COLLEGE

PROCEDURE

Number: 3.2.5.1
Related Policy: 3.2.5
Title: Secondary State/Dual Employment
Responsibility: Vice President, Human Resources and Employee Relations

Original Approval Date: 02-11-1993
Last Cabinet Review: 03-30-2016
Last Revision: 03-30-2016

President

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

I. Purpose

State agencies, colleges and universities occasionally require services not available within the expertise of their workforce that may be available within full-time equivalent (FTE) workforce of another state agency, college or university. Often considerable money may be saved by securing high quality service from the expertise available within state government. South Carolina Personnel Regulations (Section 19-713) provide for FTE employees to perform and be considered for compensation for secondary services provided for another state entity and/or their primary state employer.

This procedure sets forth guidelines which shall be adhered to in the approval and reporting of secondary employment services, provided by FTE employees of any of the following; other state agencies; state colleges or universities for any entity of the South Carolina Technical College System (SCTCS); or FTE employees of the SCTCS for another state entity or their primary employer.

II. General Provisions

A. Horry-Georgetown Technical College (HGTC) shall provide:

1. At no cost and as part of their regular services to the General Assembly, those services requested by the General Assembly. Employees performing such

consultative, research, or other services shall receive no additional compensation for such services.

2. Services to one another without charge whenever possible. When it is impossible to provide such services at no cost, services should be provided on a contractual basis between state entities.
- B. If a FTE state employee cannot be released from his/her primary assignment during the normally scheduled workday or the secondary services must be performed outside of the employee's normal work schedule, the employee may be considered for secondary state employment and compensation within the provisions of this procedure.
1. Secondary State/Dual Employment compensation shall not be used to provide higher continuing salaries than those approved by the Human Resources Division (HRD).
 2. No employee can receive additional compensation for services performed during normally scheduled hours of work (to include mealtimes and breaks) unless the employee takes annual leave or leave without pay. Further, an employee's normal work schedule shall not normally be altered to allow time for secondary state/dual employment duties.
 3. No System Office/College employee of the College shall receive additional compensation from his/her primary employer or a secondary SCTCS employer while in any leave with pay status, including annual leave, faculty non-work days, state and/or college holidays and compensatory leave. Further, the Executive Director/College President should only approve dual employment within the SCTCS when circumstances exist based on the agency's business needs.
 4. Services performed during hours other than the employee's normally scheduled hours of work for their primary employer, may be considered for secondary state/dual employment compensation if the duties are independent of and in addition to the duties and overall responsibilities of the employee's primary position. However, assignment of such additional services to an employee shall be considered only when the duties cannot be performed by this or another employee during their normal work schedule, suitable temporary employment cannot be arranged and the services to be performed are to be considered temporary.
 5. For faculty seeking to teach courses at another college, the appropriate Dean must review the request and the Vice President for Academic Affairs to review the current teaching load at HGTC as well as additional projects or responsibilities assigned to the faculty member. In most cases, faculty shall not be approved to teach more than two (2) courses, internally and/or externally, in addition to their normal teaching load. The Vice President for Academic Affairs must approve exceptions to this in order to ensure HGTC students receive the appropriate level of support from faculty. (For

clarification regarding the overload compensation for Academic Chairs or Assistant Chairs, please refer to Procedure 8.2.1.1. Instructional Loading Guidelines for Faculty)

- C. No FTE employee may accept any work or remuneration that could reasonably be construed as a conflict of interest. Acceptance of secondary state/dual employment work without proper prior approval of work assignment or remuneration that is found to be a conflict of interest will be grounds for disciplinary action up to and including termination. The propriety of an employment situation or remuneration for services rendered shall be considered by all parties concerned. Horry-Georgetown Technical College shall solicit appropriate counsel, including but not limited to the Office of the Attorney General or the State Ethics Commission, if necessary, to make such determinations.
- D. FTE state employees serving on South Carolina State boards, commissions or committees for whom per diem allowance is to be awarded are not eligible to receive such per diem allowance.
- E. Travel and subsistence paid to a FTE state employee by a secondary state/dual employer shall be in compliance with provisions of the annual Appropriations Act and any regulations promulgated by the Human Resources Division or the Comptroller General's Office.

III. Compensation

- A. The maximum compensation for secondary state/dual employment that any non-faculty (FTE) employee may be authorized to earn for all secondary state/dual services performed during the fiscal year (July 1 thru June 30) shall not exceed 30 percent (30%) of the employee's annualized salary with the employing agency for that fiscal year. The maximum compensation for secondary state/dual employment that any faculty FTE employee may be authorized to earn during a fiscal year shall not exceed 30% of the employee's annualized salary, excluding summer employment, with the employing agency. The employing (primary) agency is responsible for ensuring that dual employment payments made to its employees within one fiscal year do not exceed the thirty percent (30%) limitation. The Human Resources Division (HRD) is authorized to approve exceptions to the thirty percent (30%) limitation based on written justification submitted by the agency.
- B. The hourly rate of compensation shall be based on the appropriate salary range for the services to be performed and the employee's relevant qualifications.
- C. No compensation shall be paid to any FTE state employee for secondary state/dual employment services rendered for the primary or secondary state/dual employer prior to the specific approval of the conditions and amount of compensation under the provisions of this procedure.

- D. No FTE state employee shall be eligible for any additional fringe benefits as a result of secondary state/dual employment, including annual leave, sick leave, military leave, insurance, and holidays. However, compensation for secondary state/dual employment services shall be subject to such tax and retirement deductions as the current law may stipulate.
- E. Both the primary and secondary state/dual employers must comply with the provisions of the Fair Labor Standards Act (FLSA).

IV. Request for Secondary State/Dual Employment Services

- A. It is the responsibility of the secondary and primary employer to determine the need of the secondary state/dual employment service and determine if it is appropriate to compensate the employee for the services rendered. Dual employment agreements within the rules and regulations of this policy shall be approved by the Immediate Supervisor, the Appropriate AVP/Dean and the Vice President. An approved secondary state/dual employment form must be retained by both the employing (home) and requesting (secondary) agency.
- B. The requesting (secondary) agency will be primarily responsible for the management, communications, and coordination of dual employment arrangements. All requests for secondary state/dual employment service must be in writing and contain the following information:
 - 1. Official name of the secondary state/dual employer; and the section/department in which the services are to be performed.
 - 2. The employee's full name and social security number or other identification number.
 - 3. Complete description of the services to be performed, the actual beginning and ending dates, day(s) of week, time and total hours of work and the FLSA status of services to be performed.
 - 4. Proposed hourly rate, gross compensation for total hours and travel and subsistence; if applicable.
 - 5. Amount of compensation previously approved for employee for other secondary state/dual employment services provided to the secondary state/dual employer during the current fiscal year.
 - 6. Signature of the employee.
 - 7. Signature of secondary state/dual employer's designated representative.

- C. The primary employer's (Home Agency) designated representative is responsible for the review of request for secondary state/dual employment services, certification of all secondary compensation previously approved for the employee during the current fiscal year, obtaining all internal concurrences required to authorize the employee to provide the secondary state/dual services as requested and to respond to the secondary state/dual employer in a timely manner.

The following information shall be provided to the secondary state/dual employer:

1. The official name of the primary employer and the employee's primary employment section/department.
 2. Employee's primary position classification title, class code, slot number, the FLSA status of the employee's position, current annualized salary, normal scheduled days and hours of work.
 3. Total amount of secondary state/dual employment compensation approved for the employee during the current fiscal year.
 4. Authorization for the secondary state/dual employer to pay the employee travel and subsistence, if appropriate.
 5. Indicate if the employee will be required to take annual leave or leave without pay to perform the requested services.
 6. Signature of the employee's supervisor.
 7. Signature of the primary employer's designated representative authorizing the secondary state/dual employer to enter into this secondary state/dual employment arrangement.
- D. Request for secondary state/dual employment services shall apply to only one specific secondary state/dual employment situation. Modifications to, or extensions of, approved secondary state/ dual employment requests must be submitted to the primary employer for authorization prior to final approval.
 - E. Secondary state/dual employment agreements shall not exceed a 12 month period and may not be approved beyond the end of the fiscal year.

IV. Approval and Reporting of Secondary State/Dual Employment

- A. The System President of the SCTCS delegates authority for Secondary State/Dual Employment actions to the college president upon written agreement. The System

President reserves the right to withdraw delegation from an individual college based on non-compliance with State Board for Technical and Comprehensive Education (SBTCE) procedures. Horry-Georgetown Technical College has adopted this procedure to administer secondary state/dual employment.

- B. The System Office will develop and disseminate reporting procedures to the college. HGTC shall be required to submit annual reports to the S.C. Office of Comptroller General for post-audit. If post-audit reveals actions that do not comply with the provisions of this procedure the college will be required to take corrective action.
- C. Detailed records must be maintained by the secondary and primary employers. All requests for secondary state/dual employment services and subsequent agreements, employee work schedules and related leave and/or payroll records are subject to audit by appropriate authorities.