

SYSTEM REGULATION

33.99.06 Administration of Multiple Employment

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1. DEFINITIONS

- 1.1 Joint employment occurs when a System employee occupies one position but is assigned to duties in more than one department, unit, or component of the System to meet the workload requirements and to achieve optimum use of available employee skills and effort. This would also include a situation where an employee's services are shared by a System component and another state agency in accordance with an agreement between the two employers. The salary of an employee serving more than one organizational entity is funded by those entities in proportion to the working time devoted to each. The various segments of a joint employment position have common basic educational and experience requirements and are paid at a common salary rate.
- 1.2 Dual employment exists when an employee of the state occupies two (or more) separate positions within Texas state government. When an employee of a System component is also employed at a different System component or at another state agency, dual employment exists. The separate positions involved in dual employment are not necessarily related as to educational and experience requirements. Where dual employment exists within the System, the rates of pay for each position are established separately.

2. JOINT EMPLOYMENT

2.1 Administration of Joint Employment

- 2.1.1 When two or more departments or units contribute equal amounts of the employee's salary, the academic unit, if one is involved, will be considered the employee's unit of primary assignment, unless all departments and units involved otherwise agree in writing. If two or more academic units or two or more nonacademic units contribute equal amounts of the employee's salary, the unit in which the employee was first employed will be the unit of primary assignment, unless all departments and units involved otherwise agree in writing. When the employee begins work simultaneously with two or more such units, the unit of primary responsibility will be established in writing by the employing units.
- 2.1.2 When a faculty member is in a tenured or tenure-track position in an academic department, the unit of primary assignment is that academic department even though the faculty member may be temporarily assigned to another department or unit. For other positions, the employing department or unit that contributes

the greatest amount of the employee's salary will be the employee's unit of primary assignment, unless all departments and units involved otherwise agree in writing.

- 2.1.3 The unit of primary assignment is responsible for personnel administration, including maintenance of records such as leave accrual, leaves of absence, overtime and outside employment applications unless rules of the component specify otherwise.
- 2.1.4 The complaint and appeal process and the disciplinary process to be followed shall be that of the unit of primary assignment.
- 2.1.5 The performance and/or conduct of the employee in any involved unit or department may be considered by all units and/or departments involved in making employment-related decisions.
- 2.1.6 Travel for state business will be approved by the department or unit paying the travel expense, with approvals as required by the System component(s) involved.
- 2.1.7 In a joint employment relationship, all hours worked by a nonexempt employee are to be combined for the purposes of assessing overtime compensation (for information see System Regulation 31.01.09).

2.2 Joint Employment Approvals

- 2.2.1 Any unit or department that desires to employ in a joint employment arrangement an individual who is already employed by the System must first obtain the permission of the unit of primary assignment. The unit or department initiating a joint employment arrangement must coordinate all personnel transactions through the individual's unit of primary assignment; otherwise, the secondary unit will be held responsible for any additional costs caused by the lack of coordination.
- 2.2.2 In a joint employment arrangement:
 - (1) each unit or department involved must agree to the original terms of joint employment;
 - (2) the approval of the CEO of each unit and/or department involved, or designee, is required for appointments, promotions, pay changes, disciplinary actions, terminations, and other significant personnel and budget actions; and
 - (3) recommendations on rank, tenure, and salary rate for faculty members who have joint appointments with System agricultural or engineering agencies require endorsement by the appropriate agency

director and vice chancellor. Final authority in such matters rests with the president of the academic institution.

2.2.3 Employees should be made aware that budget and personnel actions are not final until the above approvals are received.

3. DUAL EMPLOYMENT

3.1 Administration of Dual Employment

Before an employee may be placed in a dual employment status, the employee must be informed of the following provisions:

- (1) Separate leave records will be maintained for each employment. When an employee leaves one employment but not the other, the employee will be paid for the accrued vacation for the one position.
- (2) Upon termination of one employment, the sick leave balance accrued under that employment may not be transferred to the remaining employment.
- (3) Time worked in one position does not count as additional service credit for hazardous duty or longevity pay or vacation leave accrual for the other position.
- (4) The total state contribution towards the employee's group insurance will be limited to no more than the amount specified for a full-time employee.
- (5) The employee will be entitled to receive longevity pay for no more than one employment and only if the employee is regularly scheduled to work at least 40 hours a week in that position.

3.2 Overtime for Dual Employment

3.2.1 When a nonexempt employee works in two or more System positions, the hours in the two separate positions will be combined for overtime purposes. However, if one of the positions is occasional or sporadic, solely at the employee's option, and in a different capacity from that in which the employee regularly engages, hours worked in the additional part-time job will be excluded in assessing hours worked for overtime purposes.

3.2.2 When a nonexempt System employee also works for a state agency outside the System, the hours in the two separate positions will be combined for overtime purposes.

3.2.3 A person holding a full-time exempt position with the System who on a continuing basis works extra hours in a nonexempt position with the System or another state agency may be eligible for overtime pay.

- 3.2.4 The overtime rate of nonexempt employees who work at two or more jobs in the same workweek is one and one-half the regular rate applicable to the job on which the overtime is worked or a weighted average of the rates of the two or more jobs. A written agreement on how overtime will be calculated should be developed in advance and signed by the employee and employers.
- 3.2.5 If an individual employed in fire protection or law enforcement activities at his or her option agrees to be employed in a special detail by a separate or independent employer (public or private, outside the System) in fire protection, law enforcement, or related activities, the hours worked for the separate or independent employer will not be included in the calculation of hours worked for overtime purposes.
- 3.2.6 All supervisors involved have the responsibility to monitor work hours and agree on the method of payment. During an investigation by the Department of Labor, an individual agency participating in a dual employment agreement can be held liable for all hours worked by an employee for state agencies.
- 3.2.7 For more information on overtime, see System Regulation 31.01.09.
- 3.3 When state employees seek such additional employment, they have the responsibility of informing both their employers of their intent to accept any additional employment with the state. (For more information, see System Regulations 31.05.01 and 31.05.02.)

CONTACT FOR INTERPRETATION: The System Human Resources Office

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