

03.702 Dual Employment and Other Activities.

1. Purpose. To set forth University of North Texas System policy and guidelines regarding dual employment and other activities, including external development and marketing of intellectual property by staff members.
2. Policy. The System recognizes the common practice of 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 staff member's position with the System. Also, employees who have dual employment within the System administration or who are employed with another State agency or institution are subject to the provisions outlined below in Section 6, Dual Employment with the State. Compensation for dual employment within the System administration must be in compliance with the System Administration policy, "Supplemental Compensation." Nothing in this policy should be interpreted as granting a staff member a property interest or right to continued dual employment or involvement in other activities.
3. Approval. Dual employment, whether compensated or not, must be reported to the administrative official who has the responsibility for determining whether the dual employment interferes or conflicts with the staff member's position with the System, usually the appropriate Vice Chancellor or the Chancellor. 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 staff member may not accept or continue the other employment or position.

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

In accordance with HB 746 enacted by the 76th Legislature, all approved dual employment by 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 office of the Vice Chancellor and General Counsel. The Vice Chancellor and General Counsel's office must report the following information to the UNT Human Resources Department without identifying the name of the individual:

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

Prior administrative approval is required for a staff member to hold elective or other non-elective offices or positions of honor, trust or profit with any governmental entity (see items 5.2 and 5.3 below).¹ In such cases, the Chancellor is authorized by the Board of Regents to determine whether such employment or position held or sought by any staff member would be a conflict with the individual's position with the System.²

4. Guidelines. Dual employment by any 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 it does not bring the employee into conflict with the interests of the System;
- e. That the official capacity or connection of the employee is not used in connection with the other employment;
- f. That it does not conflict with any law or constitutional provisions, nor possess a reasonable potential for such a conflict.

5. General.

- a. Other employment and activities for a staff member that are directly related to the professional activities of the individual and contribute to the general welfare of the System are permissible provided such employment and activities meet the guidelines in Paragraph 4 above.
- b. 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 employee's position. Such appointments must be approved by the Chancellor. (Texas Constitution, Article 16, Section 40)

- c. 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 Chancellor. (Texas Constitution, Article 16, Section 40)
 - d. The use of University equipment or facilities in connection with outside employment or activities by members of the staff is prohibited except in cases where such use is clearly justified and is approved in writing by the Chancellor through normal administrative channels.
6. Dual Employment with the State.⁴ Dual employment within the System administration or with another State agency or institution, including dual employment that involves UNT System components must be reported to the UNT Human Resources Department and UNT Payroll Office by the 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 states 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.

REFERENCE:

1. Sec. 574.001, Texas Government Code; Article XVI, Sections 33 and 40, Constitution of the State of Texas.
2. Board of Regents Resolution, Re: Outside Employment, February 28, 1975 (President's Bulletin, Vol. 6, No. 3).
3. Sec. 574.001, Texas Government Code; Article XVI, Sections 33 and 40, Constitution of the State of Texas.
4. Sec. 666, Texas Government Code.