

COLLEGE of CHARLESTON

OFFICIAL POLICY

9.1.5

Dual Employment Policy

10/5/2020

Policy Statement

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

This document sets forth the College of Charleston Human Resources policy on how employees in FTE positions may accept additional temporary, part-time employment with the same or another agency, pursuant to regulations of the South Carolina Office of Human Resources.

Policy Manager and Responsible Department or Office

Office of Human Resources

Purpose/Reason for the Policy

A. General Provisions

1. Dual employment shall be limited in duration to the specific time frame approved that cannot exceed 12 months.
2. The practice of dual employment should not be used to provide higher continuing salaries than those approved by the Budget & Control Board. An employee engaged in dual employment shall satisfy the requirements of the established hours of work for the employing agency.
3. Another agency or institution of higher education may dually employ no agency head without prior approval by the Agency Head Salary Commission and the Budget & Control Board. (S.C. Code Ann. 8-11-170)

B. Approval of Dual Employment

1. The agency heads or their designees of the employing and requesting agencies, or the agency head or his designee when the dual employment is in the same agency, are responsible for approving dual employment requests prior to the beginning of the dual employment relationship.
2. Because the requesting agency is responsible for coordinating dual employment arrangements, the requesting agency will coordinate the approval and any modifications of the dual employment request with the employing agency.
3. The employing agency should process dual employment requests in a timely manner.
4. The College of Charleston Human Resources Office is the authorizing authority for all dual employment requests

C. Conflict of Interest

1. Dual employment between two agencies: Ordinarily, an employee's work schedule with the employing agency should not be altered or revised to provide time to perform dual employment duties for the requesting agency. However, an employee may be permitted to use annual leave or leave without pay to provide services during working hours for a requesting agency and may receive compensation from the requesting agency for services performed during the period of leave.
2. Dual Employment Within an Agency: An employee who performs services during other than normally scheduled hours of work for his employing agency may be considered to be performing dual employment and be paid additional compensation, if such services constitute independent, additional job duties from those of the employee's primary duties within the agency. No employee shall receive any additional compensation from the employing agency while in a leave with pay status to include all designated State

holidays, annual leave, and compensatory time. The agency head should only approve dual employment within the agency when extraordinary circumstances exist based on the agency's business needs.

D.Compensation for Dual Employment

1. No compensation for dual employment shall be paid to an employee prior to the approval of a dual employment agreement.
2. Both the employing agency and the requesting agency must comply with the provisions of the Fair Labor Standards Act (FLSA).
3. Compensation for dual employment will be determined by the requesting agency; however, the maximum compensation that an employee will be authorized to receive for dual employment in a fiscal year shall not exceed 30% of the employee's annualized salary with the employing agency for that fiscal year. The employing agency is responsible for ensuring that dual employment payments made to its employees within one fiscal year do not exceed the 30% limitation. The Office of Human Resources (OHR) is authorized to approve exceptions to the 30% limitations based on written justification submitted by the agency.
4. Payment of dual employment compensation shall be made in a timely manner. The secondary agency must make payment of funds approved for and earned under dual employment within forty-five days of the beginning of the employment (S.C. Code Ann. 8-11170 (B).)
5. No employee shall be eligible for any additional fringe benefits as a result of dual employment, including but not limited to annual leave, sick leave, military leave, State insurance, and holidays. However, dual employment compensation shall be subject to such tax and retirement deductions.

Departments/Offices Affected by the Policy

Type here. Text will automatically wrap.

Procedures Related to the Policy

Type here. Text will automatically wrap.

Related Policies, Documents or Forms

Type here. Text will automatically wrap.

Issue Date: 07/01/2004

Next Review Date: 10/8/2025

Date of Policy Review: 10/5/2020

POLICY APPROVAL

(For use by the Office of the Board of Trustees or the Office of the President)

Policy Number: 9.1.5

President or
Chairman, Board of Trustees



Date: 10/5/2020