

The University of North Texas at Dallas Policy Manual	Chapter 5.000
5.006 Outside Employment or Service and Dual Employment	Human Resources

Policy Statement. Employees may engage in outside employment and service unless doing so conflicts with their position and responsibilities at the University of North Texas at Dallas. The employment or service shall comply with this policy and state laws governing the conduct of public employees, including those prohibiting conflicts of interest and use of state resources. This policy shall not be interpreted in any way to interfere with rights protected under the First Amendment of the United States Constitution.

Application of Policy. This policy applies to all regular faculty and staff members.

Definition(s).

1. **Outside Employment or Service.** “Outside Employment/Service” means any work other than that required by an employee’s position at UNT Dallas, including self-employment, for which the employee receives any form of or no compensation.
2. **Regular Faculty.** “Regular Faculty” means a faculty member who is appointed for at least 50 percent time for at least 4½ continuous months.
3. **Regular Staff Member.** “Regular Staff Member” means an employee who is scheduled to work at least 20 hours per week for a period of at least 4 ½ continuous months and is not employed in a position for which the employee is required to be a student as a condition of the employment.

Procedures and Responsibilities.

1. **Employee Disclosure.** All regular faculty and staff members are required to disclose all outside employment to the department head/chair/dean. This includes any ongoing outside employment or service held by the employee prior to the adoption of this policy or new outside employment or service. This disclosure is required at the time of employment with the Institution and at the beginning of each new academic semester using the UNT Dallas Outside Employment or Dual Employment Form.

Responsible Party: Employee

2. **Employee Request.** An employee may not commence any outside employment until a description of the nature and extent of the employment has been submitted in writing to and approved in writing by the employee's department head/chair/dean. Approval of outside employment is subject to review when there is a change in the employee's responsibilities and duties at the University .. An employee shall inform the department head when there is a change in the time, effort, responsibilities, or duties required by the outside employment. Approval of outside employment may be withdrawn at any time

Responsible Party: Employee

3. **Review/Approval.** The employee's department head/chair/dean will review a request for outside employment to determine whether the employment conflicts with the employee's responsibilities and duties at the University; conflicts with the time and effort needed to perform those duties; conforms to state laws governing the conduct of state employees, including ethics standards and provisions prohibiting conflicts of interest and use of state resources (e.g. state time, equipment, e-mail address, computer, office equipment, letterhead, employees, etc.); and whether the official relationship of the employee to the University will be used in connection with the outside employment.

Responsible Party: Department Head, Chair, Dean

4. **Multiple Employments with the State.** Prior to commencing employment with another state agency or institution the following steps must be taken to maintain personnel and leave records in compliance with Chapter 667 of the Texas Government Code:

- 4.01. **Leave Records.** Complete, separate leave records will be maintained for each employment.
 - i. Time worked in one position may not be used as additional service credit for purposes of longevity or annual leave accrual for the other position; and
 - ii. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.

4.02. Payroll Records.

- i. The State contribution toward social security tax liability may not exceed the overall limit specified by state law.
- ii. The employee will be entitled to receive longevity payment for no more than one employment.
- iii. Overtime compensation will accrue to each employing agency independently of one other. Should an employee work in a dual employment capacity where the employee is subject to the overtime provisions of the Fair Labor Standards Act of 1938, 29 U.S.C. Sec. 201 et. seq., (FLSA) in either employment, the employing agency or agencies must consider all combined time worked in excess of 40 hours per week as overtime and compensate the employee in accordance with the FLSA provisions applicable to joint employment relationships. In cases where the dual employment is with two separate agencies, the two agencies shall coordinate in order to determine which agency shall have the responsibility to assure that the employee is properly compensated in accordance with such provisions.
- iv. Total state contribution toward the employee's group insurance is limited to the amount specified for a full-time active employee.

Responsible Party: Human Resources

5. **Expert Witness Reporting.** All approved dual or outside employment as a consulting or testifying expert witness in lawsuits in which the State of Texas is a party must be reported each fiscal year to Human Resources, including:

- i. The amount of time the faculty or professional staff member spends as an expert witness; and
- ii. The name and case number of the lawsuit.

Responsible Party: Employee

6. **Disciplinary Action.** Failure to comply with this policy may result in disciplinary action including dismissal.

Responsible Party: All

References and Cross-references.

Texas Attorney General Opinions No. JM-93 (1983) and LO No. 96-109 (1996)

Texas Government Code, Chapter 572 – Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest

Texas Government Code, Chapter 667 - Multiple Employments with State

Texas Education Code, § 61.0815

Forms and Tools.

The HRM-13 Request for Approval of Outside Employment is available on the Human Resources SharePoint Site at <https://untranet.unt.edu/untDallas/hr/default.aspx>.

Approved: 9/29/2010

Effective: 9/29/2010

Revised: 1/28/2014, 9/15/16