



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 70.18, **Dual Reporting and Multiple Employment**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to establish policy for dual reporting structure, multiple and other employment by employees of Texas Tech University Health Sciences Center El Paso.

REVIEW: This HSCEP OP will be reviewed on June 15 of each odd-numbered year (ONY) by the Executive Director of Human Resources or designee, with recommendations for revisions submitted to the Chief Financial Officer or designee by July 1.

POLICY/PROCEDURE:

1. General

- a. The primary responsibility of TTUHSCEP employees is the full and complete execution of all assigned duties, the fulfillment of those professional obligations not ordinarily reduced to written assignment, and the maintenance of current professional skills.
- b. Dual reporting or "dotted line" reporting occurs when an employee reports to one manager/supervisor but also has responsibilities to another.
- c. Multiple employment occurs when either a full-time employee of TTUHSCEP accepts an additional appointment to a second position with another state or federal agency or a full-time employee of another state or federal agency accepts an additional appointment to a second position with TTUHSCEP. Another state agency is construed to mean agency, board, office, department, commission, council or institution of the State of Texas.
- d. Persons who divide their time between two agencies and are paid in proportion to their time, not to exceed 100% total, are not considered to have dual appointments for the purpose of this HSCEP OP.
- e. Outside employment is defined as any compensated service or employment by any entity, other than TTUHSC, TTUHSCEP or TTU, of a TTUHSC, TTUHSCEP or TTU employee, in accordance with *Regents' Rules*, Section 03.05, ***Consulting or Outside Employment***.

2. Policy

a. Dual Reporting

Where dual reporting lines exist, the primary supervisor is responsible for ensuring the inclusion of the secondary supervisor in the performance evaluation process: A single performance evaluation is completed for the employee where dual reporting is practiced. The primary supervisor is identified as the one who approves the employee's web time entry. The key to successful management under the dual reporting structure requires regular communication between the two supervisors. The primary supervisor is responsible for conversing with the secondary supervisor on the employee's performance prior to the completion of the evaluation. Throughout the year, should performance concerns occur, the primary supervisor must share performance concerns with the secondary supervisor, and vice versa.

Both supervisors are mutually responsible for holding regular performance discussions and align performance expectations and development plans. Secondary supervisors should be involved and provide input in all phases of the performance management process.

Areas for improvement and development opportunities from both supervisors should be included in the employee's performance evaluation.

- (1) An individual may be employed part-time by two or more departments within TTU and TTUHSCEP provided the combined total of normally assigned hours of work does not exceed 40 hours per week (100 percent time) and all other conditions of employment are met. All appointments of Texas Tech are aggregated for purposes of longevity pay, retirement, and other benefits.
- (2) A full-time non-exempt employee, employed to work in excess of 40 hours per week (100% time) must be compensated in accordance with normal overtime or additional compensation policies. See HSCEP OP 70.17 for specific guidelines applicable to exempt and non-exempt employees.

b. Multiple State and Federal Employment

- (1) A person who is on an unpaid leave of absence from one agency and working for pay at another agency, is not considered to have multiple appointments for the purpose of this HSCEP OP.
- (2) Any person who holds a position with TTUHSC and wishes to accept an appointment with another state or federal agency which may result in dual employment must obtain a finding, and an official record thereof, from the Board of Regents that:
 - i. Holding the additional position will be of benefit to the State of Texas or is required by law;
 - ii. There is no conflict between holding the two positions; and
 - iii. States the specific compensation to be received for the second position.
- (3) Any person who holds a position with another state or federal agency and wishes to accept an appointment with TTUHSCEP which may result in dual employment must obtain a finding covering the same three items required by 2.a. above, and an official record thereof, from the governing body, or if there is none, from the executive head of that agency.
- (4) An employee desiring to accept an offer to serve in other non-elective offices or in a position of honor, trust or profit with the State of Texas or the United States should submit a letter of request through administrative channels for Board of Regents' consideration.
- (5) An employee considering an additional appointment with another state or federal agency should consult with the Human Resources Department to ensure that no social security or retirement withholding limits are exceeded.

c. Outside Employment

- (1) Outside employment must be compatible with the interests of TTUHSCEP and of a nature that it will not detract from the usefulness and performance of the employee. TTUHSCEP employees also engaged in outside employment cannot do so during normal working hours. Employees must follow *Regents' Rules*, Section 08.10, regarding solicitations on TTUHSCEP premises. Faculty who are members of their school's income plan are required to follow the plan bylaws regarding income-generating activities.

- (2) An employee may hold other non-elective offices or positions of honor, trust or profit with the State of Texas or the United States, if holding the other offices or positions is of benefit to the State of Texas or is required by state or federal law, and if there is no conflict between holding the office or position and holding the original office or position for which the employee receives salary or compensation. Before an employee may accept an offer to serve in other non-elective offices or positions of honor, trust or profit with the State of Texas or the United States, the employee must obtain from the appropriate administrative officials and the Board of Regents, a finding that the requirements of this section have been fulfilled, including the expected additional compensation to be received from such service. The finding of the Board of Regents shall be recorded in the official minutes of the meeting of the Board at which approval was granted. (In accordance with Article XVI, Section 33, Constitution of the State of Texas.)
- (3) An employee considering an additional appointment with another state or federal agency should consult with the Human Resources Department to ensure that no social security or retirement withholding limits are exceeded.

3. **Multiple State Employment Law**

- a. Article XVI, Section 33 of the Texas Constitution provides: The accounting officers of this State shall neither draw nor pay a warrant or check on funds of the State of Texas, whether in the treasury or otherwise, to any person for salary or compensation who holds at the same time more than one civil office of emolument, in violation of Section 40.
- b. Section 40 provides three major exceptions relative to state employees:
 - (1) Payment may be made to members of military reserves and persons retired from military service.

Payment may be made to state employees' service without salary as members of governing bodies of school districts, cities, towns, or local governmental districts. The State Attorney General has found that the term "salary" as it is used in Section 40 means "compensation" in any form. Thus, state employees serving as members of these organizations may not receive any payment including per diem, benefits, etc.

4. **Employment Provisions.** Chapter 666 of the Texas Government Code provides: A person who is legally employed by more than one Texas State agency or institution of higher education may not receive benefits from the state in excess of those provided for one full-time employee. The employee is subject to the following provisions and is to be informed of these provisions prior to being placed in such dual employment status:

- a. Separate vacation and sick leave records must be maintained for each employment.
- b. The person accrues state service credit for all purposes as if the employee had only one employment.
- c. Time worked in one position may not be used as additional tenure credit for purposes of longevity or annual leave accrual for the other position.
- d. Upon termination of one employment, the leave balances accrued under that employment may not be transferred to the remaining employment.

- e. The state's contribution towards the taxes imposed on the person by the Federal Insurance Contribution Act may not exceed the overall limit specified elsewhere in the Act. The Comptroller shall prescribe uniform accounting and reporting procedures to ensure that the contribution does not exceed this limit. The total state contribution towards the employee's group insurance will be limited to no more than the amount specified for a full-time active employee.
- f. The employee will be entitled to receive longevity payment for no more than one employment.
- g. Overtime compensation will accrue or be paid to each employment independent of the other except that when an employee works 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. Secs. 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 relation- ships. 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.
- h. The employee must inform the employing state agency or institution of higher education and complete the REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT form (Attachment A) before accepting additional employment with another agency or institution.

5. **Elective Offices**

- a. **Elective Offices.** Employees may hold non-salaried public elective offices provided they meet their primary responsibilities to TTUHSCEP.

An employee who is elected or appointed to another position which pays a salary, per diem, or benefits and in instances where the two positions are such that they cannot be held at one time by the same person, qualification and acceptance of the second position will automatically be considered as a resignation of employment with TTUHSCEP.

- b. **Non-elective Offices.** An employee desiring to accept an offer to serve in other non-elective offices or in a position of honor, trust or profit with the State of Texas or the United States should submit a letter of request through administrative channels for Board of Regents' consideration.

6. **Multiple Agency Appointment Procedures for Regular TTUHSC Employees**

- a. A TTUHSCEP employee who desires, or is required, to accept an additional position with another state or federal agency will obtain approval to do so by submitting a REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT form (Attachment A) through normal administrative channels to the appropriate TTUHSCEP Vice President / Dean.
- b. The appropriate Vice President / Dean, after coordination with General Counsel and approval of the request, will prepare and process a Board order to obtain the required finding by the Board of Regents at their next meeting.
- c. A copy of the official record of the finding by the Board of Regents will be provided to the appropriate Vice President. The Vice President will provide copies to those offices involved in processing Electronic Personnel Action Forms (ePAFs) and payroll forms. The

official record of the finding must be filed in these offices before the effective date of the additional appointment.

7. Regular Employee of Another Agency

- a. When a TTUHSCEP administrator desires to appoint a person employed by another state or federal agency to an additional position with TTUHSCEP, the proposed details of the additional appointment will first be agreed to by the parties involved. The TTUHSCEP administrator will then obtain approval for the proposed appointment by submitting a R E Q U E S T F O R A P P R O V A L O F O U T S I D E E M P L O Y M E N T form (Attachment A) through normal administrative channels to the appropriate Vice President or comparable administrator. The same data required by Section 6.a. above, will be provided.
- b. The appropriate Vice President or comparable administrator, after coordination with the General Counsel and approval of the request, will prepare and process a Board order to obtain a Board of Regents finding at their next meeting.

Following the approval of the application at the vice presidential level, the TTUHSCEP administrator will be advised to notify the proposed appointee of these proceedings. At the same time the order is prepared, the TTUHSCEP administrator will notify the proposed appointee of this approval and request a copy of the official finding that was conducted by the other state or federal agency which must contain the information requested in Section 6.a.

- c. Copies of these findings will be attached to the appointee's ePAF at the time the TTUHSCEP appointment is made. Reference to these findings will also be made in the "Remarks" section of the appointment form. Copies of these findings must be filed in the Payroll Office before any salary payment is made to a dually employed person.

8. Fringe Benefits

- a. The pay and fringe benefits of a regular TTUHSCEP employee will not be affected when a second compensated appointment with another state or federal agency is accepted. The employee should obtain information from the other state or federal agency as to the payroll deductions and/or fringe benefits which may be applicable to the additional compensation paid by that agency.
- b. Compensation and fringe benefits paid to a regular employee of another state or federal agency holding a second compensated position with TTUHSCEP will be subject to the following:
 - (1) Federal income tax will be withheld in accordance with normal TTUHSCEP tax tables and procedures.
 - (2) All TTUHSCEP earnings will be subject to retirement deductions and state matching contributions.
 - (3) The employee will be required to participate in the group insurance program and receive premium sharing contributions, if any, from the primary agency and will not be eligible to participate in TTUHSCEP's program or receive premium sharing from TTUHSCEP as the primary agency. The employee will be entitled to receive longevity payment from only one employment. TTUHSCEP, TTUHSCEP and TTU work hours are aggregated for longevity eligibility purposes.
 - (4) The employee's primary agency will be responsible for payment of longevity

pay, if the employee is eligible. Longevity pay will not be paid by TTUHSCEP.

- (5) The employee will be eligible for holiday leave from TTUHSC based upon TTUHSCEP's holiday schedule.
- (6) Vacation and sick leave records will be maintained by TTUHSCEP without regard to similar records maintained by the other agency. Upon termination of TTUHSCEP employment, any leave balances accrued will not be transferred to the other agency and must be taken prior to the termination date or paid in a lump sum to the employee.
- (7) Workers Compensation Insurance Benefits will be provided by the agency at which the employee is injured. Wages, for the purpose of determining the weekly benefit rate, shall be the wages received from the agency where the injury occurred. Sick leave, for the purpose of determining the weekly benefit start date, shall be the sick leave received from that agency.
- (8) Unemployment Compensation Insurance benefits will be paid based upon the pro rata share of employment by the agencies during the base benefit period.
- (9) The employee will be eligible for travel payments from TTUHSCEP based upon the assigned duties and responsibilities at TTUHSCEP but will not be eligible for travel payments from both agencies for the same period of time. The employee will not be eligible for travel payments from TTUHSCEP for travel between the two agencies.
- (10) Emergency Leave, Jury Leave, Military Leave, Family Medical Leave (FML) and other such leave benefits will be administered and provided by TTUHSCEP in accordance with normal procedures applicable to other employees.

9. **Obligations to Inform**

- a. **TTUHSCEP Responsibility:** All state employees are informed of their obligation and responsibilities to inform both initial and second employers of their intent to accept an additional employment with the state by way of the *Employee Affidavit* signed by all employees.
- b. **Administrative Officer Responsibility:** Each administrative officer shall be responsible for devising procedures and/or other appropriate methods for enforcement of this policy within their individual areas of responsibility.
- c. **Employee Responsibility:** An employee must inform the employing state agency or institutions of higher education of that employee before accepting additional employment with another agency or institution.

10. **Identification.** Each administrator of TTUHSCEP is responsible for identifying to their appropriate vice president any present or prospective employee who is affected by this HSCEP OP.

11. **Right to Change Policy.**

TTUHSCEP reserves the right to interpret, change, modify, amend or rescind this policy in whole or in part at any time without the consent of employees.