SOHA PPS 04.01.35

**Outside Employment and Activities**

Effective Date 5/1/2022

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Sr. Reviewer: SOHA Director

**01.      POLICY STATEMENT**

SOHA is committed to the development of our faculty, and this can often be augmented by outside employment. We respect the desire of faculty to work outside the University. This policy outlines the margins within which we must work outside of the University.

02.      Outside employment – any compensated employment (more than $500), consulting, or service performed by the employee outside of the employee's employment relationship with Texas State for the direct or indirect benefit of the employee or the organization served.

03.      Outside activity – any uncompensated activity, consulting, or service performed by the employee outside of the employee's employment relationship with Texas State for the direct or indirect benefit of the employee or the organization served.

04.      Conflict of interest and commitment – any outside employment or activity, as determined by the employee’s division vice president, that interferes or conflicts with the employee's Texas State duties and responsibilities.

05.      To serve in public office or pursue political activities, an employee may not:

05.01     create the impression that they officially represent the university;

05.02     utilize or expend university resources;

05.03     neglect their university duties unless on eligible approved leave; or

05.04     conduct political or campaign activities on university property during normal working hours.

06.      Additional Employment with the State of Texas

06.01 [Section 667.007, Texas Government Code,](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.667.htm) requires that all state employees must inform their state agencies or public institutions of higher education prior to accepting additional employment with another agency or institution.

06.02 The employee’s agency or institution will inform the employee that:

a.    each employment requires maintenance of separate leave records;

b.    he or she may not use time worked in one position as additional service credit for longevity purposes or annual leave accrual for other positions;

c.    upon termination of one employment, he or she may not transfer leave balances accrued under one employment to the remaining employment;

d.    the state contribution towards the employee’s benefit replacement pay corresponds to the overall individual limit, meaning the university treats the employee as if holding only one state position;

e.    the total state contribution towards the employee’s group insurance may not exceed the amount specified in the Appropriations Act for full-time active employees;

f.     the staff employee will receive state longevity payment for no more than one employment; and

g.    overtime compensation will accrue to each employment independent of the other except in those instances in which a staff employee is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). When the employee is subject to FLSA provisions, the employing state entities 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. The two entities shall coordinate in order to determine which entity will have the responsibility for ensuring that the employee is properly compensated.

07.      Procedures for Reporting Outside Employment or Activities

07.01 Employment: Employees shall complete a request for Outside Employment or Activity in the SAP Portal and obtain written approval before beginning any outside employment as defined above.

07.02 The approval authority is the employee’s division vice president. The request form will be routed directly to the employee’s department head. The department head will review the request for compliance, recommend approval or disapproval, specify justification for the recommendation, and route through the normal administrative levels to the division vice president. The division vice president will approve or disapprove the request, specify the justification for the decision, and route the request form back to the department head who will forward to the employee. The division vice president’s decision is final unless the vice president submits the request to the president for a decision.

07.03 A copy of all approved forms must be routed to Human Resources from the vice president’s office and will be retained in the employee’s personnel file. For additional state employment, it is critical that these forms be routed promptly for coordination of pay and benefits.

07.04 Faculty – Faculty are required to:

a.      report any outside employment prior to accepting any employment;

b.      report all outside employment annually (beginning September 1); and

c.      report any changes that may occur during the academic year (e.g., change in outside employment workload).

07.05 Staff – Staff outside employment must only be reported once. However if the duties and responsibilities change significantly or there is a change in employer, the employee must resubmit for review and continued approval.

07.06 Other than the public service exception described below, activities for which the employee does not receive any compensation do not need to be reported unless the employee or supervisor believes there may be a conflict of interest or interference with the employee’s university duties and responsibilities.

07.07 Public Service Exception – Uncompensated activity, which includes serving in either an elected or appointed capacity, in any federal, state, or local government entity including governing bodies of school districts, cities, towns, or other local governmental districts, must be reported. Any outside activity reported shall follow the same procedures outlined above.